

THE JUDICIARY

UNITED STATES CIRCUIT COURT OF APPEALS

Gerald McLaughlin to be judge of the United States Circuit Court of Appeals for the Third Circuit.

UNITED STATES ATTORNEY

Eli H. Brown 3d to be United States attorney for the western district of Kentucky.

UNITED STATES MARSHALS

John M. Moore to be United States marshal for the eastern district of Kentucky.

Loomis E. Cranor to be United States marshal for the western district of Kentucky.

IN THE ARMY

TEMPORARY APPOINTMENT IN THE ARMY OF THE UNITED STATES

To be lieutenant general

Omar Nelson Bradley

To be major generals

Stafford LeRoy Irwin
John Kenneth Cannon
Lowell Warde Rooks

To be brigadier generals

Frank Upton Greer
Ray Aloysius Dunn
Maurice Rose
Reese Maughan Howell
Edwin Hubert Randle
Carlyle Howe Ridenour
Elbert Louis Ford
Robert Victor Maralst
Robert Ignatius Stack
Edward Peck Curtis

COAST GUARD

APPOINTMENTS

To be ensigns in the Coast Guard, to rank from June 9, 1943

Joseph Rogers Steele
Ralph Arnold Peterson
Robert Joseph LoForte
Robert Leslie Ruth
James Paul Van Eetten
Norman McLeod Barlow
Alvin Bislinghoff Jordan
Robert Bernard Moore
George Pershing Jacobson
Edward Dabner Hudgens, Jr.
Edward Michael Francis Kirchner
Richard Anthony Pasciuti
Glenn Edgar Murphy
Edward DeKalb Veal, Jr.
Ernest Harold Goldman
Charles Webster Valaer
LeWayne Newcomb Felts
William Ellison Baird
Owen Wesley Siler
William Davis Palmer
William Edward Dennis
Leslie Byron George
William Edward Wallace
William Selby Allan, Jr.
Keith Charles Vrana
Mitchell Arthur Pereira
George MacAulay Lee Costner
John Durward Richardson
Harry Hart Carter
Garth Hines Read
George William Sohm
John Richmond Rogers
Thomas Pope Cheatham
David Richard Domke
Arthur Hancock
Charles Wayne
Warren Edward Rast
Kenneth Raymond Vaughn
Wallace Clarence Dahlgren
Samuel Raymond Well
Robert Allen Adams
Robert Arthur Schulz
Edward Reuben Tharp
Philip Joseph McFarland
Frederick James Hancox
John Joseph Doherty
Wilfred Ulrich Johnson
James Norton Ashbrook
Paul Morosky

Austin Flint Hubbard
William Michael Benkert
Keith Low
Carl Leonard Parrott
Robert Franklin Lutz
Donald Oscar Ellis
Wilfrid Neville Derby, Jr.
Ward Raymond Emigh
Bernard Edwin Kolkhorst
Robert Ellsworth MacDonald
Donald McIntosh Reed
Daniel John Scalabrini
Rufus Sizer Drury
William Nathan Banks
Robert Jerome Carson
David Lloyd Davies, Jr.
Frank Benjamin Carter
Frank Marshall Fisher, Jr.
Alden Edward Lewis
Robert Tallant Norris
Sereno Sewall Webster, Jr.
Arnold Roy Wadum
William Joseph Zinck
Richard Eugene Hoover
Phillip Hermann
Curtis Johnson Kelly
John Roger George
Donald Arthur Caswell
Vernon Francis Hauschild
Alexander Cameron
Edward Franklin Poole 3d
Raymond Howard Evans
Charles Edward Johnson

POSTMASTERS

CONNECTICUT

Peter M. Davey, Bridgeport.

GEORGIA

W. Riley Allen, Blacksbear.

KANSAS

Hazel R. Craft, Lewis.
Ben J. Funk, Sedan.
J. Glenn Logan, Topeka.

MINNESOTA

Joseph R. Dunn, Brainerd.

NEW MEXICO

Jose Z. Sanchez, Santa Rosa.

SOUTH CAROLINA

Patrick B. Holtzclaw, Arcadia.

WASHINGTON

David E. Burkland, Mukilteo.
Emerson G. Lawrence, Port Angeles.
Leo B. Reed, Redmond.
Hanna A. Hanson, Riverton Heights.
John Maloney, Jr., Skykomish.
Otto F. Reinig, Snoqualmie.

HOUSE OF REPRESENTATIVES

TUESDAY, JUNE 8, 1943

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Infinite and eternal God, our heavenly Father, what wisdom, what power and majesty in all Thy works. Out of the mysterious silences of our breasts, amid the varying currents of this world, do we seek Thee. Thou who art the inspiration of all that is good and the glory of all that is beautiful, send forth Thy light, reminding us of our place and calling. Do Thou open the windows of our minds that we may receive the spirit of love and truth, thus leading humanity away from the wrong, deceptive altars.

Blessed Lord, as daily there are numberless Calvaries in our land, we pray Thee that all sadly stricken hearts may

hear the message which has come across the centuries: "Be of good cheer, I will go with thee all the way." Undergird and uphold them with firm belief in the ultimate triumph of the good. Under all circumstances inspire us to think truly, to speak truly, and to live truly; thus our lives will be open books of good and wholesome deeds. In the name of our Saviour, by whom and with whom, in the unity of the Holy Spirit, all honor and glory be unto Thee, O Father Almighty, world without end. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Frazier, its legislative clerk, announced that the Senate had passed, with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H. R. 2713. An act making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1944, and for other purposes.

The message also announced that the Senate insists upon its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. OVERTON, Mr. GLASS, Mr. THOMAS of Oklahoma, Mr. GREEN, Mr. WALSH, Mr. LODGE, and Mr. HOLMAN to be the conferees on the part of the Senate.

EXTENSION OF REMARKS

Mr. LANE. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an article that appeared in the Boston Sunday Post of May 30, 1943, entitled "City of Revere."

The SPEAKER. Is there objection?

There was no objection.

Mr. WEISS. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a newspaper article.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

PERMISSION TO ADDRESS THE HOUSE

Mr. HEBERT. Mr. Speaker, I ask unanimous consent that on tomorrow, after the disposition of the legislative matters on the Speaker's desk, I may address the House for 15 minutes.

The SPEAKER. Is there objection?

There was no objection.

Mr. CELLER. Mr. Speaker, under a special order for today I was granted 30 minutes to address the House. I yield back that time, and I ask unanimous consent to address the House for 30 minutes on Monday next, after the disposition of matters on the Speaker's desk.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. BALDWIN of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter on the Liberty Bell and a poem, The Bishop of Washington.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. REED of New York. Mr. Speaker, I obtained unanimous consent to extend my remarks and include an article which appeared in Collier's magazine. It exceeded the amount permitted. I have an estimate from the Public Printer. It will cost \$90. Notwithstanding that, I ask unanimous consent that it may be included as a part of my extension of remarks.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include a letter from the New York Tribune.

The SPEAKER. Is there objection?

There was no objection.

Mr. DONDERO. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include therein a statement by a C. I. O. leader at Pontiac, Mich.

The SPEAKER. Is there objection?

There was no objection.

Mr. JUDD. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD and include an editorial from the New York Herald Tribune.

The SPEAKER. Is there objection?

There was no objection.

CALENDAR WEDNESDAY

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that business in order on Calendar Wednesday may be dispensed with this week.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

THE LATE HONORABLE GEORGE P. DARROW

Mr. SCOTT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. SCOTT. Mr. Speaker, it is with deep regret and sincere grief that I announce the death of my predecessor in Congress, Hon. George P. Darrow, who served as a Member of this House for a period of 24 years.

George Darrow was loved and respected by all who knew him. While an earnest supporter and advocate of the principles and policies of the Republican Party the center aisle did not divide his friends; he was loved and respected by all who knew him. I frequently heard him express his joy and personal pride in the many friendships he made in his long service and he was especially proud of his close association with the former Vice President and Speaker of the House, the Honorable Jack Garner, with our beloved present Speaker, and with Virginia's great elder statesman, Senator CARTER GLASS.

Poor health in his last years prevented the continuance of his activity in public affairs and he retired voluntarily 3 years ago.

We mourn the loss of a good friend, but the memory of his long and faithful service is cherished and may well serve as a guide to all of us.

The entire career of former Congressman Darrow is notable for self-sacrifice and conscientious devotion in the interest of his fellow man. Following his early education in the common schools of New London, Conn., he pursued his studies at Alfred University, Alfred, N. Y., waiting on tables and cleaning classrooms, and so forth, to pay his tuition and board, graduating in 1880, and in later years was honored by having the degree of LL. B. conferred upon him by this university. Following graduation from college he entered upon a business career, which included foreign service as sales representative for an oil byproduct; and, in 1888, he settled in Germantown, Philadelphia, and established and conducted a successful paint business until 10 years ago, when he retired from active business.

Mr. Darrow always took an active interest in civic affairs. During the period of his service as president of the twenty-second sectional school board of Philadelphia he took a leading part in the campaign for the establishment of district high schools and has been known as the father of district high schools in Philadelphia. He served as a member of city council from 1910 to 1915 and was able to secure many improvements for his community and his sound business background enabled him to render outstanding service in the interest of his city and sound government.

In 1914 Mr. Darrow was asked to become a candidate for Congress; he was elected and reelected every 2 years since until 1936, when he suffered unexpected defeat in the landslide of that year; but, in 1938 he was again elected and in 1940 he voluntarily retired from public life by reason of ill-health.

During his service in Congress Mr. Darrow served at various periods on the District of Columbia, Banking and Currency, and Naval Affairs Committees. If any interest was greater than another, there is no doubt it was in our Navy. He was a firm believer in a strong Navy and in his position as ranking Republican member of the Naval Affairs Committee he was enabled to render notable service in its upbuilding. Having served in Congress during the period of World War No. 1 Mr. Darrow was particularly interested in the welfare of war veterans; he successfully sponsored legislation providing increased compensation for disabled veterans while taking vocational training, and in many ways gave aid and assistance to all war veterans and their families. He was co-sponsor with Senator Edge of New Jersey of a bill providing for the construction of the Delaware River bridge in Philadelphia; and, his success in securing the authorization for and funds for the construction of the new naval hospital in Philadelphia was an outstanding feat in that trying period.

Mr. Darrow's position as dean of the Pennsylvania delegation in Congress, his long membership on the Republican steering committee and the Republican committee on committees brought him in contact with practically all of his colleagues.

By his lovable disposition, his courtesy and fairness he won and held their lasting affection and respect.

Friend of three Presidents, elder statesman of Germantown, he will be honored and held in fond recollection by all who knew him for his great services to his city and community, for the example he set of the good citizen, laboring for others during a long and fruitful life.

He giveth his beloved sleep.

Mr. RAYBURN. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. RAYBURN. I have asked the gentleman to yield in order that I may say I have served in this House for a long time. I have served with many good men, many fine gentlemen. I never served with a finer man or a more splendid patriot than George Darrow.

Mr. SCOTT. I may say that I know his family will be deeply grateful for the kind expressions of the Speaker of this House, of whom our late friend was so very fond.

Mr. RANKIN. Mr. Speaker, will the gentleman yield?

Mr. SCOTT. I yield.

Mr. RANKIN. I desire to join in what the Speaker [Mr. RAYBURN] has just said about Mr. Darrow. I regarded him as one of the finest characters I have ever known. His death brings back memories of days gone by. When I came to Congress George Darrow was one of its leading Members. On the other side of the aisle was James Mann, the greatest parliamentarian I have ever seen in action, Frank Mondell, Nicholas Longworth, and many others. On our side, to name only two, was Finis Garrett, one of the keenest blades who ever served in Congress, and Claude Kitchen, one of the ablest debaters of all time.

I have seen those great men leave the Halls of Congress and many of them pass away, but I do not know of anyone who has gone in recent years whose passing I more keenly feel than that of my friend George P. Darrow, of Pennsylvania.

When I remember all

The friends so link'd together,

I've seen around me fall

Like leaves in wintry weather;

I feel like one who treads alone

Some banquet hall deserted,

Whose lights are fled, whose garlands dead,

And all but he departed.

Mr. SCOTT. The gentleman will doubtless recall that a few months ago I called the attention of this House to the eighty-fourth birthday of Mr. Darrow and at that time, as flowers to the living, the gentleman from Mississippi paid tribute to Congressman Darrow, and at that time I reported his words to Congressman Darrow and to his family, and they were very, very deeply appreciative.

Mr. MARTIN of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MARTIN of Massachusetts. Mr. Speaker, it was with keen regret the

older Members of the House learned today of the death of former Representative George Darrow, of Philadelphia. He served many years in the House and was one of its best-informed and most popular Members. He was an outstanding member of the Naval Affairs Committee and a stalwart champion of a strong Navy and of national preparedness.

Men like George Darrow can ill afford to be spared, and to his widow and family will go the deep sympathy of all his former associates and a legion of friends.

Mr. REECE of Tennessee. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. REECE of Tennessee. Mr. Speaker, during my period of service here I have enjoyed the friendship of two most estimable gentlemen who were members of the Pennsylvania delegation. One was Hon. George Darrow, the other Hon. Harry Ransley. Both have passed from the scene of worldly endeavors. They won for themselves the gratitude of the people of their State and of the people with whom they served here who had an opportunity to appraise them and evaluate their services and their characters. I am confident they will receive a fine reward in the world to which they have gone.

I learned of the passing of Mr. Darrow with great sorrow, as I did a few years ago on the passing of Harry Ransley. They made records which may well serve as examples to people who are students of public service.

EXTENSION OF REMARKS

Mr. LESINSKI. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record relative to the Armenians in two world wars and their aspirations.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to extend in the Appendix of the Record my remarks on two bills on radio operators in the merchant marine, that are pending on the consent calendar today, and to insert certain quotations.

The Speaker. Is there objection?

There was no objection.

Mr. MANSFIELD of Texas. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to embrace therein an editorial from the Galveston Daily News.

The Speaker. Is there objection?

There was no objection.

Mr. MASON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein an article by George Rothwell Brown, appearing in the Times-Herald of June 6, 1943.

The Speaker. Is there objection?

There was no objection.

Mr. EDWIN ARTHUR HALL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and

to include therein a recent radio speech I made over station WBNF.

The Speaker. Is there objection?

There was no objection.

Mr. ANGELL. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein an article appearing in the Washington Post of today, June 8, on Alaska's future.

The Speaker. Is there objection?

There was no objection.

Mr. LUTHER A. JOHNSON. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include therein a letter from an American soldier overseas to his mother about strikes.

The SPEAKER. Is there objection?

There was no objection.

Mr. PRICE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein a statement concerning a bill I introduced on March 12, providing for the payment of \$50 per month to members of the armed forces for each month served from the date of the passage of the Selective Service Act to 6 months after the close of the war.

The SPEAKER. Is there objection?

There was no objection.

CANNING PLANTS

Mr. SAUTHOFF. Mr. Speaker, I ask unanimous consent to address the House for 30 seconds.

The SPEAKER. Is there objection?

There was no objection.

Mr. SAUTHOFF. Mr. Speaker, at the conclusion of today's business it is my intention to take up a discussion of the problems of the canning industry, and inasmuch as I shall take only a portion of the time allotted to me, I am going to yield to other Members who have canning plants in their districts and whose operation may be affected.

PERMISSION TO ADDRESS THE HOUSE

Mr. PATMAN. Mr. Speaker, I ask unanimous consent that today, at the conclusion of the legislative program and following any other special orders heretofore entered, I may address the House for 20 minutes.

The SPEAKER. Is there objection?

There was no objection.

RUSSIA'S ELECTRIC POWER RESOURCES

Mr. RANKIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

[Mr. RANKIN addressed the House. His remarks appear in the Appendix.]

POULTRY FEED

Mr. HOFFMAN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection?

There was no objection.

Mr. HOFFMAN. Mr. Speaker, I want to say to the gentleman from Mississippi [Mr. RANKIN] that the electric power proposition may be all right, but at the

moment I am more interested in corn and would like to know something about poultry feed. The poultry feeders in my district are asking how they can obtain poultry feed.

Mr. RANKIN. Will the gentleman yield?

Mr. HOFFMAN. Yes.

Mr. RANKIN. Asking for what?

Mr. HOFFMAN. Poultry feed, to feed the hens that lay the eggs that we all like and need or from which come the chicks that grow into broilers and roasters that will help feed the Nation next fall, winter, and spring.

Mr. RANKIN. Oh; poultry feed. I agree thoroughly, but I thought the gentleman said "poker chips."

Mr. HOFFMAN. I do not know anything about poker chips and do not want to. One constituent uses a thousand bushels of corn a day. He wired me Friday:

We use 1,000 bushels corn in our two feed plants daily. Have less than 1 week's supply. Unable to purchase any corn. We furnish feed for approximately one-half-million laying hens and other livestock. Michigan Elevator Exchange, with many carload orders on hand, are unable to purchase any corn. Situation critical. Must have immediate release. Important you make every effort to have Michigan declared an emergency State to receive corn from Commodity Credit Corporation.

Immediately phoned Commodity Credit Corporation and was told there was plenty of corn in the country, but when I asked where we could get some of it for Michigan, for the processors of poultry and dairy food, was advised there was none available. And when I squawked, the gentleman told me our dairymen and our poultrymen were in no worse situation than automobile dealers and would have to take their loss.

My reply that we could not eat automobiles, hence might be able to get along without them, but that we would need milk, butter, and beef, eggs and poultry before the year was over and that if we did not get the corn, someone would go hungry, brought a laugh, a few harsh words, but no corn.

Next fall, winter, and spring, some of you "city fellers" who have refused to listen to some of us from the sticks, will be hungry and so will your constituents. You will all have my sympathy, but you will not be able to make a meal out of that.

It is all right for the gentleman from Mississippi [Mr. RANKIN] to be urging the power-development program, but what these poultry raisers and the dairymen want to know is how they are going to get feed for the hens that lay the eggs, for the cows that give the milk and furnish the beef.

EXTENSION OF REMARKS

Mr. PLUMLEY. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein an address by the Honorable Frederick M. Davenport, entitled "Life in the Public Interest."

The SPEAKER. Is there objection?

There was no objection.

BISHOP JAMES E. FREEMAN

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks and to include therein certain statements of appreciation of the life of Bishop Freeman.

The SPEAKER. Is there objection?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, the Nation joins with me today in mourning the passing of Bishop James E. Freeman who was my friend and one of the very great figures of our country. A deeply religious man, a great and inspiring leader and preacher, a great humanitarian. A man, although he loved his own belief, his own creed more dearly than his own life, he believed that all religion was of great value and should be recognized. Believing in a free church and in freedom of religion, he stood in simplicity and in strength like the towers of the cathedral he built for one of the "four freedoms." He welcomed to the National Cathedral the clergy of every denomination. Preachers of many faiths spoke from his pulpit. He wished it to be their cathedral too. He performed a great work in securing money for the building of the National Cathedral. It is a living memorial to his unselfish service. At the same time, with his love of humanity, while he was building the cathedral he was building in the minds of people character and was demonstrating what humanity could do and what religion could do for the world.

He can ill be spared today, Mr. Speaker, and when he is laid to rest tomorrow there will be a feeling of tremendous loss. All that could die of Bishop Freeman has died, but his spirit will live on and on through the ages.

EXTENSION OF REMARKS

Mr. SPENCE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include a short statement concerning our departed colleague, Harry Englebright.

The SPEAKER. Is there objection?

There was no objection.

THE CONSENT CALENDAR

The SPEAKER. This is consent day. The Clerk will call the first bill on the calendar.

AMENDING THE NATIONALITY ACT OF 1940

The Clerk called the first bill on the calendar, H. R. 1291, to amend the Nationality Act of 1940.

Mr. BARDEN. Mr. Speaker, reserving the right to object, this seems to be a rather voluminous bill. Will not the chairman of the Committee on Immigration explain it to us?

Mr. DICKSTEIN. Mr. Speaker, this bill contains a number of provisions. Some sections are just for clarification purposes to correct clerical mistakes, and so forth. One section deals with denaturalization. The Attorney General has quite a number of such cases, and it was thought advisable to cut the period of notice from 60 to 30 days.

Mr. BARDEN. May I ask the gentleman whether or not a rule has been granted on this bill?

Mr. DICKSTEIN. Yes; there is a rule. Let me say to the gentleman, however, that this bill passed the House in the last session and was reported by the Senate Committee on Immigration in the Senate. Only because of lack of time in which to dispose of it was it not considered in the Senate. I hope the gentleman can see his way clear not to object but to let the bill pass and go over to the Senate.

As I say, the bill corrects a number of technical errors. It gives the Attorney General in the case of denaturalization proceedings the right to cut the time from 60 days on a summons to 30 days. There are pending now several hundred cases for cancellation of citizenship. Under the present law the people involved must be given 60 days' notice. The Attorney General feels that 30 will be more than sufficient. The bill requires them to answer within 30 days. This bill also gives the Government the authority to secure a judicial decree indicating loss of nationality. The other sections provide for—

Mr. KEAN. Mr. Speaker, inasmuch as a rule has been granted on this bill, I feel that it ought to be considered in that way. I therefore ask unanimous consent that the bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REPATRIATING NATIVE-BORN WOMEN RESIDENTS OF THE UNITED STATES

The Clerk called the next bill, H. R. 1289, to repatriate native-born women residents of the United States who have heretofore lost their citizenship by marriage to an alien.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 317 (b) (1) of the Nationality Act of 1940 (U. S. C., 1940 ed., title 8, sec. 717 (b) (1)) is amended by inserting, after "terminated", the following: "or who has resided continuously in the United States since the date of such marriage."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

AMENDING COAST GUARD AND AUXILIARY AND RESERVE ACT OF 1941, RELATING TO WOMEN'S RESERVE

The Clerk called the next bill, H. R. 1616, to amend the Coast Guard Auxiliary and Reserve Act of 1941, as amended.

Mr. BLAND. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

ASSIGNMENT OF DEPARTMENTAL PERSONNEL TO AID INVESTIGATING COMMITTEES OF CONGRESS

The Clerk called the next bill, H. R. 2468, authorizing the assignment of per-

sonnel from departments or agencies in the executive branch of the Government to certain investigating committees of the Senate and House of Representatives, and for other purposes.

Mr. SHEPPARD. Mr. Speaker, I ask unanimous consent that the bill may go over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ABSENTEEISM

The Clerk called the next bill, H. R. 2553, directing the Secretary of Labor to make an investigation and study of the extent and causes of absenteeism and to make available the facilities of the Department of Labor to act as a clearinghouse for information on methods to control absenteeism.

Mr. STEWART. Mr. Speaker, reserving the right to object, I should like to have the bill explained.

Mr. KEAN. Mr. Speaker, if the gentleman will yield, the gentleman from New York [Mr. COLE], when this bill came up last time, asked to have the bill passed over without prejudice. The gentleman from New York is necessarily absent today on official business and I believe that to protect him I should ask to have it go over without prejudice.

Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

PROTECTION OF WATER-FRONT FACILITIES AND VESSELS

The Clerk called the next bill, H. R. 2663, to provide a penalty for the willful violation of regulations or orders respecting the protection or security of vessels, harbors, ports, or water-front facilities.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TARVER. Mr. Speaker, I ask unanimous consent that this bill may be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

REDUCTION IN COURSE OF INSTRUCTION AT NAVAL ACADEMY

The Clerk called the next bill, S. 879, to amend the act entitled "An act authorizing a reduction in the course of instructions at the Naval Academy," approved June 3, 1941 (55 Stat. 238).

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TARVER. Mr. Speaker, reserving the right to object, I do not think we ought to pass measures which are of this apparent importance unless someone explains the meaning of the measure to the House. I hope somebody may be able to do that.

Mr. MAGNUSON. Mr. Speaker, the chairman of the Committee on Naval Affairs is absent from the Capitol. I do not see the gentleman from Maryland here, who knows about the bill. I sug-

gest that the bill be passed over without prejudice, to be explained later.

Mr. TARVER. Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. TARVER]?

There was no objection.

ALLOWANCE FOR QUARTERS AND SUBSISTENCE FOR MIDSHIPMEN OF THE NAVAL RESERVE

The Clerk called the next bill, H. R. 2629, to provide an allowance for quarters and subsistence for midshipmen of the Naval Reserve.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TARVER. Mr. Speaker, reserving the right to object, this is another bill of some importance, and I think that somebody should be in position to explain its provisions before we pass it. Nobody is here representing the committee to explain the bill, therefore I ask unanimous consent that it be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Georgia [Mr. TARVER]?

There was no objection.

CONVEYANCE TO STATE HOSPITAL AT GOLDSBORO, N. C., OF A CERTAIN TRACT OF LAND

The Clerk called the next bill, H. R. 2562, to authorize the Secretary of Agriculture to sell and convey to the State Hospital at Goldsboro, Goldsboro, N. C., a certain tract of land, situated in Wayne County, N. C.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Mr. Speaker, reserving the right to object, how much did this land cost the Government? I see they are going to sell it for \$4,100.

Mr. BARDEN. Mr. Speaker, I may say to the gentleman that I do not know exactly what it cost the Government, but I am inclined to think that it was less than \$4,000. I happen to know exactly where the land is located. This State hospital is a hospital for the insane, and they need this land to protect the watershed that is just adjacent to the property.

Mr. KEAN. Does the gentleman feel there is no loss to the Government for what it paid for the land?

Mr. BARDEN. No; there would not be a loss to the Government if the Government gave it to them. The State hospital man told me that he raised considerable objection to the \$4,000 as being too much. He thinks the Federal Government is charging too much, but the State must have it, it is very useful, so he is willing to go along with it.

Mr. COOLEY. Will the gentleman yield?

Mr. BARDEN. I yield to the gentleman from North Carolina.

Mr. COOLEY. I think my colleague from North Carolina is somewhat in error regarding the amount the Government has invested. I think the Government actually has invested somewhat in excess of the \$4,000. At the request of

the chairman of the House Committee on Agriculture, a special investigator who is now working for the committee investigating the Farm Credit Administration went down to North Carolina and made an examination and appraisal of this property. He recommends the sale of this property as contemplated in this bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized and directed, upon payment by the State Hospital at Goldsboro of \$4,180, to convey to the hospital all right, title, and interest of the United States to that portion of the North Carolina farm tenant security project, located in Wayne County, N. C., known as unit No. 11 of said project, consisting of eighty-seven and ninety-four one-hundredths acres, more or less, described by metes and bounds as follows:

Beginning at a nail on the centerline of a dirt road said corner being a common corner between lands owned by one Charles Davis and the tract hereinafter described, thence along the common line north one degree fifty minutes east one thousand three hundred and forty-five and eight one-hundredths feet; thence north sixty-nine degrees thirty-three minutes east one thousand three hundred and sixty-six and twenty one-hundredths feet; thence south four degrees fifty-three minutes west two hundred and ninety-seven feet to the centerline of a canal; thence along said canal the following courses and distances: South seventy-three degrees one minute east eighty-one and eighty-four one-hundredths feet, south seventy-six degrees fifty-seven minutes east one hundred and two and seventy one-hundredths feet, south forty-seven degrees twenty-four minutes east one hundred and thirty-three and six one-hundredths feet to the west bank of Little River; thence along the west bank of Little River the following courses and distances: South seventy-one degrees forty-nine minutes thirty-eight seconds west fifty-one and ninety-four one-hundredths feet, south seventy degrees ten minutes thirty-two seconds west one hundred and twenty and sixty-five one-hundredths feet, south fifty-five degrees thirty-three minutes forty-nine seconds west one hundred and sixty-four and twenty-one one-hundredths feet, south forty degrees thirty-four minutes thirty-four seconds west two hundred and fifty-three and four one-hundredths feet, south seven degrees twenty-two minutes west one hundred and seventy and twenty-one one-hundredths feet, south forty-six degrees forty-two minutes seventeen seconds east three hundred and ninety-five and eighty one-hundredths feet, south forty-one degrees thirteen minutes thirteen seconds east two hundred and fifty-one and thirty-three one-hundredths feet, south sixty degrees forty-one minutes forty-four seconds east two hundred and thirty-four and thirty-one one-hundredths feet, south seventy-five degrees thirty-seven minutes forty-four seconds east two hundred and fifty-five and fifty-five one-hundredths feet, south sixty-four degrees twenty-six minutes forty-six seconds east eighty-one and forty-four one-hundredths feet, south forty-one degrees twenty minutes nine seconds east two hundred and ninety-five and twenty-eight one-hundredths feet, south seventy-four degrees eight minutes nineteen seconds east one hundred and forty-two and ten one-hundredths feet, south sixty-seven degrees no minutes thirty-eight seconds east three hundred and twenty-three and forty-seven one-hundredths feet, south thirty-one degrees six minutes thirty seconds east eighty-three and eighty-nine one-hundredths

feet, south one degree twenty-seven minutes thirteen seconds east eighty-four and fifty-five one-hundredths feet, south forty-nine degrees fourteen minutes west two hundred and twenty-seven and thirty-seven one-hundredths feet, south seventy-four degrees twenty-six minutes seven seconds west three hundred and twenty and fifty-six one-hundredths feet, south forty-eight degrees fifty-six minutes eleven seconds west one hundred and seventy-five and thirty one-hundredths feet; thence leaving the west bank of Little River and running south seventy-seven degrees thirty-nine minutes west seven hundred and fifty-eight and sixty one-hundredths feet; thence north seventy degrees eighteen minutes west nine hundred and four and seventy-nine one-hundredths feet to the centerline of a dirt road; thence along the centerline of said dirt road the following courses and distances: North twenty-six degrees eleven minutes west two hundred and thirty-one and sixty-six one-hundredths feet, north thirty-eight degrees twenty-two minutes west one hundred and thirty-two and no one-hundredths feet, north fifty-two degrees twenty-five minutes west one hundred and thirty-two and no one-hundredths feet, north fifty-eight degrees twenty minutes west two hundred and ninety-one and eighty-five one-hundredths feet to the point of beginning.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MISCONDUCT FOR COMPENSATION AND PENSION PURPOSES LIMITED TO FELONIOUS MISCONDUCT

The Clerk called the next bill, H. R. 986, to define misconduct, for compensation and pension purposes, as limited to felonious misconduct.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That paragraph IX of Veterans Regulation No. 10, as amended, be, and hereby is, amended to read as follows:

"IX. A disability, injury, or disease will be held to have resulted from misconduct when it is due to felonious misconduct."

With the following committee amendment:

Page 1, line 6, after the word "misconduct", insert "only."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PROVIDING MORE ADEQUATE AND UNIFORM PROVISIONS IN VETERANS' LAWS AFFECTING COMPENSATION, PENSION, AND RETIREMENT PAY

The Clerk called the next bill, H. R. 2703, to provide more adequate and uniform administrative provisions in veterans' laws pertaining to compensation, pension, and retirement pay, payable by Veterans' Administration, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LESINSKI. Mr. Speaker, reserving the right to object, this bill takes jurisdiction away not only from the Pensions Committee, which committee has jurisdiction over Spanish War veterans, but it also takes jurisdiction away from

the Invalid Pensions Committee which has jurisdiction over the Army and Navy and the present global war. I have no objection that bills be handled by the Committee on World War Veterans' Legislation if the legislation properly belongs to that committee, but the rule is very specific that the Committee on World War Veterans' Legislation has no jurisdiction over any other war than the World War. The only committee that has jurisdiction over all wars is the Invalid Pensions Committee.

Mr. Speaker, I ask unanimous consent that this bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from Michigan [Mr. LESINSKI]?

Mr. RANKIN. Mr. Speaker, reserving the right to object, the gentleman from Michigan [Mr. LESINSKI] has taken the floor several times in his broadcasts attacking the jurisdiction of the Committee on World War Veterans' Legislation. I want to say that this is purely World War veterans' legislation. The bill was drafted at the request of the Veterans' Administration, it was introduced, and the Speaker properly referred it to the Committee on World War Veterans' Legislation. If the gentleman from Michigan [Mr. LESINSKI] imagines that he is going to block relief for World War veterans, especially these boys who are coming out of the service now and who need this attention, he is very badly mistaken. If we cannot get the legislation passed this way, we will do it under the regular rules of the House.

Mr. McCORMACK. Will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Massachusetts [Mr. McCORMACK].

Mr. McCORMACK. I hope that the gentleman from Michigan will not object because of a technical situation that might exist in reference to the question of jurisdiction, because this legislation is important and means much to those who are serving. I am sure my friend from Michigan will look at the broader implications and without in any way changing his views on jurisdiction not object to the consideration of the bill.

Mr. RANKIN. Let me say to the gentleman from Massachusetts [Mr. McCORMACK] that this measure has the unqualified support of the American Legion. It has the unqualified support of the Veterans of Foreign Wars. It has the unqualified support of the Disabled American Veterans of the World War, and of the Order of the Purple Heart; it has the unanimous backing of the Committee on World War Legislation, that heard the testimony on it; with one or two minor amendments it has the unqualified support of General Hines, and, with only one question about raising the pay of men in the hospital from \$6 to \$8 a month, it has the support, of the Bureau of the Budget.

There may be one amendment with which the Bureau of the Budget was not familiar that I am sure the House will approve unanimously, but this matter was submitted to the Bureau of the

Budget, and the only objection it raised was to that provision in which we provide that instead of receiving \$6 a month while in hospitals, a veteran who is totally and permanently disabled from a non-service-connected disability will receive \$8 a month.

So this measure has the support of every organization that is interested in World War veterans; it has the support of the Veterans' Administration; and it has the approval of the Bureau of the Budget.

Mr. LESINSKI. I have no objection to the veterans getting a raise in their pay checks, but I do have an objection to a committee getting a preference as to legislation that does not belong to them. Once a precedent is set the equities of it do not mean anything.

Mr. RANKIN. Let me say again that the Committee on Invalid Pensions, of which the gentleman from Michigan [Mr. LESINSKI] is chairman, is the old Civil War Pensions Committee. We have let it go on because we preferred not to disturb that set-up as long as those old veterans or their dependents were living. But hundreds of thousands of the boys in the service now were in the First World War. I have a letter in my pocket now from our former colleague, Colonel Faddis, who has just been wounded in north Africa, and who served throughout the last war. We have hundreds of thousands of these men who were in the last war now in the service. They are so interwoven, so interconnected, that it is absolutely mandatory that the same committee handle the legislation for both World War No. 1 and World War No. 2. This fact is recognized by those on whose shoulders falls the responsibility for legislation of this kind.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. RANKIN. I yield to the gentleman from Massachusetts.

Mrs. ROGERS of Massachusetts. This bill also has the endorsement of the Order of the Purple Heart, composed of men wounded in action.

Mr. RANKIN. That is right. The representative of the Order of the Purple Heart, every one of whom was wounded in action, came before this committee and gave this bill his unqualified support.

So if the gentleman from Michigan is quibbling about our turning back the pages of history and throwing these World War veterans back into the old Civil War Pensions Committee, I submit he is going to get cold comfort from the veterans' organizations and from the Members of this House. I am going to object to this bill being carried over without prejudice. I want it considered and passed now.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. LESINSKI. I object, Mr. Speaker, on grounds that Committee on World War Veterans' Legislation has no jurisdiction over this legislation, that same belongs to the Committee on Invalid Pensions of which I am chairman, and its jurisdiction is all wars, including present global war.

MEDICAL DEPARTMENT OF THE REGULAR ARMY

The Clerk called the next bill, H. R. 997, to amend certain provisions of the National Defense Act of June 3, 1916, as amended, relating to the Medical Department of the Regular Army.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEAN. Reserving the right to object, Mr. Speaker, may I inquire whether or not the War Department is in favor of this bill?

Mr. BARDEN. Is the gentleman addressing his remark to me?

Mr. KEAN. No, to some member of the Committee on Military Affairs.

Mr. BARDEN. The gentleman from North Carolina [Mr. DURHAM] introduced this bill, and I think may answer the gentleman's question.

Mr. DURHAM. I shall answer the gentleman's question by stating that I believe the Surgeon General has always been on record as objecting to the creation of additional corps, the Veterinary Corps, the Nurse Corps, and all other corps, and he objects to the creation of this corps.

Mr. KEAN. He objects to this because he does not like to have any more different types of corps in the Army?

Mr. DURHAM. I think that is correct.

Mr. WADSWORTH. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

SPRINGDALE, UTAH

The Clerk called the next bill, H. R. 2527, to amend the description of the area affected by the act of May 28, 1928, entitled "An act for the relief of the town of Springdale, Utah," and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act of May 28, 1928 (45 Stat. 787, ch. 818), is hereby amended by substituting the following language in lieu of the language in the act following the words "to grant permission to the town of Springdale, Utah," "to convey through such piping facilities as may be necessary, for domestic and other uses within the limits of said town of Springdale, Utah, water from certain springs in the Zion National Park, Utah, located in sections 17, 22, and 27, township 41 south, range 10 west, Salt Lake base and meridian."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

CUSTODIAL EMPLOYEES OF THE POST OFFICE DEPARTMENT

The Clerk called the next bill, H. R. 2250, to extend the provisions of the Re-classification Act of February 28, 1925, to include custodial employees into the Postal Service.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act of February 28, 1925, Postal Salary Classification

Act, is hereby amended to include officers and employees of the custodial service of the Post Office Department: *Provided*, That the salary ranges of the designated classes shall be as allocated by the Post Office Department under the provisions of the Classification Act of 1923, as amended: *And provided further*, That such action shall not result in the reduction of the salary of any employee by reason hereof.

With the following committee amendments:

Page 1, line 6, strike out "classes" and insert "grades."

Page 2, line 1, after "of the", insert "grade or."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to extend the provisions of the Reclassification Act of February 28, 1925, to include custodial employees in the Postal Service."

ADDITIONAL SAFEGUARDS, FEDERAL COMMUNICATIONS

The Clerk called the bill (H. R. 2612) to extend the effective date of the act of December 17, 1941, relating to additional safeguards to the radio communications of ships of the United States.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the act entitled "An act to provide additional safeguards to the radio communications service of ships of the United States in the interest of national defense, and for other purposes," approved December 17, 1941 (55 Stat. 804; 47 U. S. C. 353 note), is hereby amended by striking out in lines 3 to 6, inclusive, the words "national emergency declared by the President on May 27, 1941, to exist but not after July 1, 1943, or the date upon which the President proclaims the existing national defense emergency terminated, whichever occurs first," and substituting therefor the following: "present war and for six months thereafter, or until such earlier time as the President by proclamation or the Congress by concurrent resolution may designate."

With the following committee amendments:

Page 1, line 7, strike out the figures "804" and insert "808"; and in line 8, page 1, strike out the words "in lines 3 to 6, inclusive."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ADDITIONAL PAY, RURAL DELIVERY CARRIERS

The Clerk called the bill (H. R. 2080) to provide temporary additional pay for equipment maintenance for each carrier in Rural Mail Delivery Service.

The SPEAKER. Is there objection?

Mr. KEAN. Mr. Speaker, reserving the right to object, it is the practice of those in charge of the Consent Calendar to object to bills which carry appropriations or authorizations of several million dollars. This bill will cost \$4,318,000 per year. For that reason I ask unanimous

consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

CHANGING NAME "LABORER" TO "MAIL HANDLER," POSTAL SERVICE

The Clerk called the bill (H. R. 2419) to change the name of "laborer" in the Postal Service to that of "assistant clerk."

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the classification "laborer" in the Postal Service is hereby abolished, and in lieu thereof there is hereby created the classification of "assistant clerk" to perform the same duties and receive the same compensation as laborers.

With the following committee amendment:

Line 5, strike out "assistant clerk" and insert "mail handler."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The title was amended so as to read: "A bill to change the name of 'laborer' in the Postal Service to that of 'mail handler.'"

AID TO STATES—CONSTRUCTION OF RURAL POST ROADS

The Clerk called the bill (H. R. 2798) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The SPEAKER. Is there objection?

Mr. PRIEST. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Is there objection?

There was no objection.

RADIO OPERATORS ON CARGO SHIPS

The Clerk called the bill (H. R. 2750) to amend section 353 (b) of the Communications Act of 1934, as amended.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 353 (b) of the Communications Act of 1934 (50 Stat. 193, 55 Stat. 579; U. S. C., 1940 ed., title 47, sec. 353 (b)), as amended, is hereby amended to read as follows:

"(b) A cargo ship, required by this part to be fitted with a radio installation, which is fitted with an autoalarm in accordance with this title, shall, for safety purposes, carry at least one qualified operator who shall have had at least 6 months' previous service in the aggregate as a qualified operator in a station on board a ship or ships of the United States, but during the emergency proclaimed by the President on September 8, 1939, to exist, but not after the termination of such emergency or such earlier date as Congress by concurrent resolution may designate, the aforesaid requirement of 6 months' previous service may be suspended or modified by regulation or order of the Commission for successive periods of not more than 6 months' duration."

The bill was ordered to be engrossed and read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

SHIP CONSTRUCTION RESERVE FUNDS

The Clerk called the bill (S. 163) to amend section 511 of the Merchant Marine Act, 1936, as amended, relating to ship construction reserve funds, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That section 511 of the Merchant Marine Act, 1936, as amended, is hereby amended as follows:

(a) The first sentence of subsection (b) of such section is amended to read as follows: "For the purposes of promoting the construction of vessels necessary to carrying out the policy set forth in title I of this act, any citizen of the United States who is operating a vessel or vessels in the foreign or domestic commerce of the United States or in the fisheries or owns in whole or in part a vessel or vessels being so operated, or who, at the time of purchase or requisition of the vessel by the Government, was operating a vessel or vessels so engaged or owned in whole or in part a vessel or vessels being so operated or had acquired or was having constructed a vessel or vessels for the purpose of operation in such commerce or in the fisheries, may establish a construction reserve fund, for the construction or acquisition of new vessels, to be composed of deposits of proceeds from sales of vessels, indemnities on account of losses of vessels, earnings from the operation of vessels, and receipts, in the form of interest or otherwise, with respect to amounts previously deposited."

(b) The second sentence of subsection (c) of such section is amended to read as follows: "For the purposes of this subsection no amount shall be considered as deposited in a construction reserve fund unless it is deposited within 60 days after it is received by the taxpayer except that (1) in the case of amounts received before December 10, 1940, the deposit may be made not later than February 7, 1941, and (2) in the case of amounts received at any time between May 27, 1941, and the date of enactment of this amendatory clause, the deposit of which by the taxpayer is authorized by the amendments to subsection (b), the taxpayer may make such deposit at any time within 120 days from such date of enactment, and the Commission may approve any such deposit previously made if, in other respects, it complies with the provisions of this section, as amended."

(c) Subsection (g) of such section is amended to read as follows:

"(g) The provisions of subsections (c) and (f) shall apply to any deposit in the construction reserve fund only to the extent that such deposit is expended or obligated for expenditure, in accordance with rules and regulations to be prescribed jointly by the Commission and the Secretary of the Treasury, under a contract for the construction or acquisition of a new vessel or vessels (or in the discretion of the Commission, for a part interest therein) entered into after October 10, 1940, and on or before December 31, 1943, with respect to deposits made prior to January 1, 1943, or not later than 1 year after the date of such deposit with respect to deposits made on or after January 1, 1943, and in either case only if under such rules and regulations—

"(1) within such period not less than 12½ percent of the construction or contract price of the vessel or vessels is paid or irrevocably committed on account thereof and the plans and specifications therefor are approved by the Commission to the extent by it deemed necessary; and

"(2) in case of a vessel or vessels not constructed under the provisions of this title or not purchased from the Commission, (A) said construction is completed, within 6 months from the date of the construction contract, to the extent of not less than 5 percent thereof (or in case the contract covers more than one vessel, the construction of the first vessel so contracted for is so completed to the extent of not less than 5 percent) as estimated by the Commission and certified by it to the Secretary of the Treasury, and (B) all construction under such contract is completed with reasonable dispatch thereafter."

(d) Subsection (h) of such section is amended to read as follows:

"(h) The Commission is authorized under rules and regulations to be prescribed jointly by the Secretary of the Treasury and the Commission to grant extensions of the period within which the deposits shall be expended or obligated or within which construction shall have progressed to the extent of 5 percent of completion as provided herein, but such extension shall not be for an aggregate additional period in excess of 2 years with respect to the expenditure or obligation of such deposits or more than 1 year with respect to the progress of such construction: *Provided, however,* That until the termination of the present war or until such earlier time as the Congress by concurrent resolution or the President may designate, in addition to the extensions hereinbefore permitted, further extensions may be granted ending not later than 6 months after such termination of the present war or such earlier date as may be so designated."

With the following committee amendments:

Page 3, line 14, strike out the word "after", strike out all of lines 15, 16, 17, and 18, and in line 19 strike out the words "in either case", and insert in lieu thereof the words "within 2 years from the date of such deposit."

Page 3, line 20, insert after the word "period" the words "of 2 years."

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENDING TIME, SUITS OF UTE INDIANS

The Clerk called the bill (H. R. 1947) to extend the time within which a suit or suits may be brought under the act of June 28, 1938 (52 Stat. 1209).

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. TARVER. Mr. Speaker, I reserve the right to object, to ask the author of the bill or somebody familiar with the provisions, to explain it.

Mr. O'CONNOR. Mr. Speaker, Congress by an act passed in 1938 authorized suits to be brought before the Court of Claims in behalf of the Ute Indians in Utah. Section 2 of that act limited the time within which the suits could be brought to June 29, 1943. The situation is this at the present time. Two of the attorneys for the Ute Indians have been called to the service in the Army and the Navy. Many of the witnesses who would be used in connection with the trial of the case are likewise in the service—that is, Indian witnesses. The purpose of this act is to extend the time in which these suits may be brought until 1946.

Mr. TARVER. When were these attorneys called into the service?

Mr. O'CONNOR. Within the last year.

Mr. TARVER. Then the Indians had about 4 years since the passage of the bill in 1938 within which they might have brought the suits before the attorneys were called into the service?

Mr. O'CONNOR. These claims require a mighty lot of preparation to bring them into the court through the General Accounting Office and all that sort of thing. In other words, after the Congress authorizes the beginning of suits, it takes time to get the necessary information.

Mr. TARVER. How far back is this cause of action on behalf of the Indians?

Mr. O'CONNOR. It originated a long time ago.

Mr. TARVER. How long?

Mr. O'CONNOR. As far back as 1881. I think the first violation of treaty claimed was in 1881, but at the same time, if the gentleman will recall, we had a mighty hard time to get any sort of a bill through the House owing to certain objectors in the House, authorizing Indians to commence any kind of suits in the Court of Claims or in any other court.

Mr. TARVER. In other words, 57 years after the cause of action originated, the Congress, through a spirit of liberality, gave the Indians 5 additional years within which to bring suit in the Court of Claims. Their attorneys were in position to have brought suit for 4 years of that additional 5-year period, and now you are asking for 3 years more because for the last year two attorneys have been in the armed services.

Mr. O'CONNOR. I want to suggest this to the gentleman, that the bill has the approval of the Indian Commissioner and the Interior Department, because they are familiar with the facts with relation to the required testimony.

Mr. TARVER. How much money is sought by the Indians?

Mr. O'CONNOR. I do not know. Perhaps the gentleman from Utah [Mr. GRANGER], the author of the bill, can explain that.

Mr. GRANGER. I do not know how much is sought. I do not know about the claims.

Mr. O'CONNOR. I will say to the gentleman that the amount that can be recovered under the action or actions is not very great, because usually the Government is permitted any offsets that it has against the Indians. The experience has been that in all of the suits against the Government for Indians, tried in the Court of Claims, less than 3 percent of claims recovery is had, because the offsets amount sometime to more than what the claims amount to in the first instance.

Mr. TARVER. Without knowing more about the justice of reviving these old claims and the amount of money involved, I shall be compelled to object unless the gentleman will ask unanimous consent that it be passed over without prejudice.

Mr. O'CONNOR. I would prefer to have the gentleman make that request if he will do it.

Mr. TARVER. I am putting that up to the gentleman.

Mr. O'CONNOR. Of course, I am not the author of the bill. The gentleman from Utah [Mr. GRANGER] is the author of the bill. I am very sorry the gentleman takes that attitude, because the bill has the approval of the department and it was unanimously reported by the Committee on Indian Affairs and is a just bill.

Mr. TARVER. I think, according to the statements made here, the Indians have been treated very generously by Congress and have had ample time when their attorneys were available to have instituted the suits. I am not in a position to agree to the passage of the bill this morning.

Mr. GRANGER. Mr. Speaker, will the gentleman yield?

Mr. TARVER. I yield.

Mr. GRANGER. The time will have expired by July 1, and if the gentleman objects, of course the bill will be of no effect.

Mr. TARVER. Of course, you could secure reenactment of the provision by Congress if it is justified. I shall be compelled to object unless the gentleman asks that it be passed over without prejudice.

Mr. GRANGER. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

HOSPITAL OR DISPENSARY AT ST. LAWRENCE, NEWFOUNDLAND

The Clerk called the next business, House Joint Resolution 118, authorizing the Secretary of the Navy to construct and the President of the United States to present to the people of St. Lawrence, Newfoundland, on behalf of the people of the United States, a hospital, dispensary, or other memorial, for heroic services to men of the United States Navy.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. CARTER. Mr. Speaker, reserving the right to object, I would like to have some explanation of this bill. From reading the title it seems we are authorizing the Secretary of the Navy and the President of the United States to construct a hospital outside of the United States. I know a great many people in the United States who need hospital facilities. I would like to have some explanation of the bill.

Mr. BATES of Massachusetts. Mr. Speaker, I have an amendment in the hands of the Clerk which I ask unanimous consent to have read at this time.

The SPEAKER. Without objection, the amendment proposed may be read for the information of the House.

There being no objection, the Clerk read as follows:

Amendment offered by Mr. BATES of Massachusetts:

Page 1, line 5, strike out the words "or other memorial."

Page 2, line 2, strike out the words "or other memorial."

Mr. BATES of Massachusetts. Mr. Speaker, the purpose of this resolution as reported by the Committee on Naval Affairs, is to permit the Secretary of the Navy to construct a hospital or dispensary in the village of St. Lawrence, Newfoundland. The idea of this hospital or dispensary was first conceived by Admiral Bristol, who was in command of the Argentinia Naval Station about a year ago. Admiral Bristol has since died.

The purpose of this memorial is in appreciation and gratitude by the United States, particularly the United States Navy, for the very splendid and heroic work that was given to the survivors of the U. S. S. *Truxtun* and U. S. S. *Pollux*, which foundered on the shores of that area in February 1942. If any of us has any idea of the type and kind of weather they have in the Newfoundland area, we will have some conception of the difficulties that faced the men on the *Truxtun* and the *Pollux* when those two ships foundered in that cold, bleak month of the year. It was only the heroic work done by the villagers that resulted in saving many of the lives of the men who were on those two ships. Many lives were lost. Those people out in the wilderness trekked over a space of 4 or 5 miles to the cliffs of St. Lawrence in the Newfoundland area, divested themselves of their own clothes, wrapped them around the men and brought them into their own homes, and only by such constant and heroic measures applied by them over a period of many, many hours, were they able to save that large number of men who finally survived from those two ships.

Mr. CASE. Mr. Speaker, will the gentleman yield?

Mr. BATES of Massachusetts. I yield.

Mr. CASE. Is there any limitation on the cost placed in the bill?

Mr. BATES of Massachusetts. Mr. Speaker, the bill provides for an expenditure of not more than \$50,000.

In view of the fact that we have one of the largest naval air stations anywhere to be found on the adjacent shores of Newfoundland, it has seemed to me and seemed to the Navy Department that it would be a splendid gesture of gratitude on our part in showing the appreciation for what they have done for our men in one of the most distressing episodes the Navy has ever experienced when these ships foundered if we should authorize this monument to be built.

Mr. CARTER. Mr. Speaker, I would like to ask the gentleman a question about the maintenance of this building after it is constructed.

Mr. BATES of Massachusetts. Mr. Speaker, the bill only provides for and authorizes the building of a hospital unit or dispensary as the Navy Department may determine. I have had stricken from the bill the words "or other memorial."

The maintenance of this hospital or dispensary will come under the Newfoundland Board of Health, which has a series of hospitals in that part of Newfoundland, but none in this particular area; and the cost of maintenance will be carried by the Government of Newfoundland.

Mr. CARTER. What indication has the Newfoundland Government given to this Government that it is able and willing to assume and will maintain and operate this hospital after it is donated?

Mr. BATES of Massachusetts. Mr. Speaker, the Navy Department, as represented by the Bureau of Medicine and Surgery, has consulted with the representatives of the Newfoundland Public Health Department who naturally would be very happy and pleased to have the Government locate such a hospital there and will be only too happy and pleased to maintain it after it is built.

Mr. CARTER. Of course, I do not blame them for being happy and pleased. I would be very happy and pleased to have the Navy Department establish a hospital out in my district, too, where we have very crowded war conditions. But I think this is a most unusual program.

Mr. CASE. Mr. Speaker, will the gentleman yield?

Mr. CARTER. I yield to the gentleman from South Dakota.

Mr. CASE. One thing about the bill as I read it is that it authorizes the undertaking of the construction of the hospital and leaves no opportunity for a review of the cost of it by the Appropriations Committee. The resolution if passed in its present form would authorize the Secretary of the Navy to engage and enter into an obligation which the Congress would be compelled, practically, to appropriate the money for. It seems to me that if the resolution is to be considered it should be a pure authorization to just authorize an appropriation up to the limit of \$50,000 or so much as may be necessary. It should not in itself constitute a joint authorization and appropriation. Consequently I shall ask to have the bill passed over without prejudice.

Mr. BATES of Massachusetts. Mr. Speaker, I trust that the gentleman will permit a perfecting amendment to be offered at this time, because I believe a matter of this kind, where we are trying to build up good relationships with those who are allied with us in this great war, this would be a means of showing a deep appreciation for the splendid service the people of this area have given to the men in the armed service. I think that we can now amend the bill to meet the objections, because I, too, believe that it should be subject to the Appropriation Committee, and I am perfectly willing to have such an amendment offered now to that effect, but I do believe we ought to act on it.

The SPEAKER. Is there objection to the request of the gentleman from South Dakota that the bill be passed over without prejudice?

Mr. NORTON. Mr. Speaker, I ask unanimous consent that the bill go over without prejudice.

Mr. MICHENER. Mr. Speaker, reserving the right to object, may I ask the gentleman from Massachusetts this question: The bill provides that this hospital shall be presented to the people of Newfoundland. Does the Federal Government now have title to the land

which they are going to present to this foreign government?

Mr. BATES of Massachusetts. Mr. Speaker, the bill itself authorizes the building of the hospital and acquisition of such land as may be necessary. Whether or not that will be in the nature of a gift or whether or not they will have to buy the land, which after all is very inexpensive land in that land area, does not make much difference.

Mr. MICHENER. In other words, if this bill becomes a law, then the United States invests so much money in this hospital and loses all future control over the land on which it is built and of the hospital?

Mr. BATES of Massachusetts. This is an outright gift, Mr. Speaker.

Mr. MICHENER. That is what I wanted to know.

Mr. BATES of Massachusetts. It is to be a gift to the people of this particular area to show our gratitude and appreciation for the splendid service they gave to the men on those two ships.

Mr. CASE. Mr. Speaker, I call for the regular order.

The SPEAKER. The regular order is: Is there objection to the request of the gentleman from South Dakota and the request of the gentleman from New Jersey that the bill be passed over without prejudice?

Mr. GERLACH. Mr. Speaker, I object to the bill.

The SPEAKER. Does the gentleman from Pennsylvania object to the request that the bill be passed over without prejudice?

Mr. GERLACH. I object to the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CASE. Mr. Speaker, reserving the right to object—

The SPEAKER. The time for reserving objections has passed. Does the gentleman from Pennsylvania object to the present consideration of the bill?

Mr. GERLACH. I object.

The SPEAKER. Objection is heard.

EXTENDING TIME FOR BRINGING SUITS UNDER ACT OF JUNE 28, 1938

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent to return to Calendar No. 113, H. R. 1947, to extend the time in which a suit or suits may be brought under the act of June 28, 1938 (52 Stat. 1209).

The Clerk read the title of the bill.

Mr. TARVER. Mr. Speaker, reserving the right to object, this is the bill to which I indicated objection a few moments ago. I am now advised it involves claims aggregating approximately \$1,000,000. Part of those claims originated in 1882. The justness of the claims is something about which I have no information, but it does seem that if a real cause of action existed on behalf of these Indians something would have been done about it in less than 61 years. The attorneys who have been employed by the Indians, before they were inducted into service, had 4 years in which to bring suit, and a period of 20 days yet exists within which suit may be brought.

So far as I am concerned, I do not think this is good legislative practice. At

the same time there are Members here from the western part of the country, from the area where these Indians live, who ought to know more about this subject matter than I. I am not in my judgment justified in taking the responsibility because it is within my power under the rules by my individual objection to prevent the passage of this bill if all other Members of the House are of the opinion that it ought to be passed; so, as far as I am concerned, I am not going to object, although I do not believe the bill ought to be enacted.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. KEEFE. Mr. Speaker, I object.

PROTECTION OF WATER-FRONT FACILITIES AND VESSELS

Mr. VINCENT of Kentucky. Mr. Speaker, I ask unanimous consent to return to Calendar No. 97, H. R. 2663, to provide a penalty for the willful violation of regulations or orders respecting the protection or security of vessels, harbors, ports, or water-front facilities.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That whoever willfully shall violate any regulation or order promulgated or approved by the Secretary of the Navy pursuant to lawful authority for the protection or security of vessels, harbors, ports, or water-front facilities, and relating to fire hazards, fire protection, lighting, machinery, guard service, disrepair, disuse, or other unsatisfactory conditions thereon, or the ingress thereto, or egress, or removal, of persons therefrom, or otherwise providing for safeguarding the same against destruction, loss, or injury by accident, or by enemy action, sabotage, or other subversive acts, shall be guilty of a misdemeanor and upon conviction thereof shall be liable to a fine of not to exceed \$5,000 or to imprisonment for not more than 1 year, or both.

With the following committee amendments:

Page 1, line 6, strike out the word "and."
Page 1, line 9, strike out the comma after "egress" and after "removal."

Page 2, line 6, add a new section as follows:
"Sec. 2. The provisions of this act shall remain in effect only until 6 months after the cessation of hostilities in the present war."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. DICKSTEIN. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD by inserting an editorial from Today's News on China.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. DIMOND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include a sermon delivered at the Baccalaureate Mass at Trinity College graduation exercises on Sunday, May 30, 1943.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

AMENDING THE NAVAL RESERVE ACT OF 1938, AS AMENDED

Mr. MAGNUSON. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H. R. 2859) to amend the Naval Reserve Act of 1938, as amended.

The Clerk read the title of the bill.

Mr. TARVER. Mr. Speaker, reserving the right to object, was this bill on the calendar?

The SPEAKER. It was not.

Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the Naval Reserve Act of 1938, as amended, is hereby further amended as follows:

Strike out section 502 and substitute therefor the following:

"Sec. 502. Members of the Women's Reserve may be commissioned or enlisted in such appropriate ranks and ratings, not above the rank of captain, corresponding to those of the Regular Navy, as may be prescribed by the Secretary of the Navy: *Provided*, That there shall not be more than 1 officer in the grade of captain nor more than 15 officers in the grade of commander: *Provided further*, That military authority of officers commissioned under the provisions of this title may be exercised over women of the Reserve only and is limited to the administration of the Women's Reserve."

Strike out section 504 and substitute therefor the following:

"Sec. 504. Members of the Women's Reserve shall not be assigned to duty on board vessels of the Navy or in combat aircraft at any time. No such member who is qualified to fill an available billet in the Navy Department proper at Washington shall be assigned to duty outside the continental United States."

Strike out section 506 and substitute therefor the following:

"Sec. 506. Members of the Women's Reserve of the Navy, Marine Corps, Coast Guard, or their dependents, shall be entitled to all allowances or benefits provided by law for male officers and enlisted men of such services with dependents: *Provided*, That the husbands of such members shall not be considered dependents. This section shall be effective from July 30, 1942."

Sec. 2. Each member of the Women's Reserve who was enlisted or commissioned therein on or prior to the date this act is approved shall be restricted to the performance of shore duty within the continental United States, unless and until she shall voluntarily sign a general waiver of said restriction.

With the following committee amendments:

Page 2, line 3, after the word "commander", insert "Exclusive of officers appointed in the Medical Department of the Naval Reserve."

Page 2, line 15, after the word "Washington", insert "Except members of the Medical Department of the Naval Reserve."

The committee amendments were agreed to.

Mr. MAAS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MAAS: Page 2, line 2, after the word "captain", strike out the balance of line 2 and all of line 3 including the word "commander."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PERMISSION TO ADDRESS THE HOUSE

Mr. MASON. Mr. Speaker, I ask unanimous consent that on Thursday of this week, after the disposition of the business on the Speaker's table and other special orders heretofore made, I may address the House for 30 minutes.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

EXTENSION OF REMARKS

Mr. RLEECE of Tennessee. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include an editorial from the Harpersburg News on the Post-war Advisory Council, also to extend my own remarks and include a letter I have received from Mr. Chan.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. HARLESS of Arizona. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and to include a speech made before the Arizona State Bar Association on April 30, 1943, by Cleon T. Knapp.

The SPEAKER. Is there objection to the request of the gentleman from Arizona [Mr. HARLESS]?

There was no objection.

AMENDMENT TO FEDERAL HIGHWAY ACT OF JULY 11, 1916

Mr. WHITTINGTON. Mr. Speaker, I move to suspend the rules and pass the bill (H. R. 2798), to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The Clerk read the bill as follows:

Be it enacted, etc., That the definition of the term "construction" in section 2 of the Federal Highway Act approved November 9, 1921 (42 Stat. 212), is hereby amended to read as follows: "The term 'construction' means the supervising, inspecting, actual building, and all expenses, including the costs of rights-of-way, incidental to the construction of a highway, except locating, surveying, and mapping."

Sec. 2. Section 5 of the Defense Highway Act of 1941 (55 Stat. 765) is hereby amended to read as follows:

"Sec. 5. Reapportionment of Federal Highway funds: Federal funds apportioned to the States prior to January 1, 1942, for expenditure on the system of Federal-aid highways, on secondary or feeder roads, and for the elimination of hazards to life at railroad grade crossings in accordance with the provisions of the Federal Highway Act, as amended and supplemented, which were not on that date obligated by the States and which shall not be so obligated on or before June 30, 1943, shall not be reapportioned among the States in accordance with the provisions of said act, as amended and supplemented, but shall remain available for obligation by the States during continuance of the emergency declared by the President on May 27, 1941, and for a period of 1 year thereafter."

SEC. 3. The Commissioner of Public Roads is hereby authorized to expend in cooperation with the highway department of any State for engineering and economic investigations of projects for future construction and for surveys, plans, specifications, and estimates for post-war highway improvements so much of the unobligated funds for regular Federal aid, for secondary or feeder roads, and for the elimination of hazards at railroad grade crossings, that now remain available to such State, as may be deemed adequate, but not to exceed in any State an amount which would represent such State's share of \$50,000,000 apportioned under the formula provided under section 21 of the Federal Highway Act: *Provided*, That agreements may be entered into with any State highway department for such post-war highway projects not exceeding the unobligated Federal funds.

SEC. 4. Section 6 of the Defense Highway Act of 1941, approved November 19, 1941 (Public Law No. 295, 77th Cong.), as amended by the act of July 2, 1942 (Public Law No. 646, 77th Cong.), is hereby further amended by striking out the figure "\$10,000,000" and inserting in lieu thereof "not to exceed \$25,000,000."

SEC. 5. The Commissioner of Public Roads is authorized and directed to make a survey of the need for a system of express highways throughout the United States, the number of such highways needed, the approximate routes which they should follow, and the approximate cost of construction; and to report to the President and to Congress, within 6 months after the date of the enactment of this act, the results of such survey together with such recommendations for legislation as is deemed advisable.

The SPEAKER. Is a second demanded?

Mr. WOLCOTT. Mr. Speaker, I demand a second.

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi [Mr. WHITTINGTON]?

There was no objection.

The SPEAKER. The gentleman from Mississippi is recognized for 20 minutes and the gentleman from Michigan [Mr. WOLCOTT] will be recognized for 20 minutes.

Mr. WHITTINGTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the bill has been reported by the Committee on Roads, which is of course a legislative committee. There are no authorizations contained in the bill and there are no provisions for additional authorizations for appropriations. The pressing need for the passage of the bill arises from the reversion and reapportionment provisions in existing Federal aid highway legislation, where funds are unobligated by the States.

Under section 5 of the Defense Highway Act of 1941 the funds apportioned to the States unless they are obligated revert to the Treasury and are reapportioned among the States. It is well known that because of the difficulty in public construction arising from priorities and the war there is practically a cessation in highway construction at the present time.

Section 2 of the pending bill provides for a continuation of the time for the allocation of projects to the States and a matching of those projects by the State without provision for reversion and

reapportionment. There is at present allocated to the States on projects unobligated as of April 30, 1943, that would be affected by a lapse on July 1, 1943, the sum of about \$68,000,000. These funds are allocated to the States under the formula of the Federal Highway Act. On July 1, 1944, those funds would amount to about \$171,000,000. These funds have already been authorized. They are not being obligated because of the difficulties not only in highway construction but in all other construction.

There is a very excellent report on the pending bill here, giving an analysis of it, the amounts that have accrued to each State and the apportionments that are made, which are affected by the provision against reversion and reapportionment, the amendments contained in the bill, and a copy of the bill.

Section 1 of the bill provides for a change in the definition of the term "construction" so as to include rights-of-way. Heretofore, except in strategic highways for national defense, the States have provided the rights-of-way for Federal-aid projects. It is a matter of common knowledge that much of the highway construction that will be required following the present war will involve a change and a relocation of existing highways. So that the first section of the bill is to provide that both the States and the Federal Government shall share in the cost of rights-of-way for the construction of highways.

Section 2 of the bill is to prevent a lapse of highway funds and continues in force until 1 year after the present war.

Section 3 of the bill is an important provision and it looks toward highway construction as public work following the war. I may say in passing that I know generally of no more satisfactory public works to provide work for the unemployed in all of the States of the Union than highway construction.

The SPEAKER pro tempore (Mr. BONNER). The time of the gentleman has expired.

Mr. WHITTINGTON. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, section 3 provides that there shall be eligible for expenditure with the Federal Government matching in preparing plans for post-war construction not to exceed \$50,000,000 of the Federal aid highway funds for all purposes heretofore appropriated. In other words, heretofore the States and the State highway commissions have prepared the plans for construction. This section is merely an enlargement of section 9 of the Defense Highway Act, which provides that there shall be appropriated \$10,000,000 to prepare plans and that the local interests and the Federal Government shall share equally in those plans. In the post-war program where the Federal Government must make large appropriations for highway construction, it is preeminently proper that we should provide now for plans so that we will have available to the States and to the Federal Government adequate plans already prepared for the essential highway construction that must follow the war.

Section 4 provides for an additional allotment of \$15,000,000 for the construction of roads to strategic materials, primarily minerals, the amount now available having been expended; that amount being \$10,000,000.

Section 5 provides for a survey of a system of express highways by the Department of Public Roads and for a report to the Congress within 6 months.

Mr. GREEN. Will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Florida.

Mr. GREEN. I believe the gentleman has answered my question. This extends for 1 year after the duration? It extends for that length of time?

Mr. WHITTINGTON. Yes.

Mr. GREEN. Does the Federal and State Governments both participate in the expense of surveys up to then?

Mr. WHITTINGTON. Both agencies participate, as I stated, in the expense of preparing plans and detailed specifications for highway construction following the war.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WHITTINGTON. Mr. Speaker, I yield myself 1 additional minute.

Mr. O'CONNOR. Will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Montana.

Mr. O'CONNOR. I want to congratulate the gentleman upon bringing up for consideration this bill and I hope every one votes for it because its passage is very important to every State in the Union and particularly to my own State, as we must prepare to match the sum, and this act will give us time to do this. Take my own State, for instance. This provides that it has the amount of \$2,135,692 for highways and \$534,708 for secondary roads, and then certain sums for access roads. We must not lose these sums for our State is in dire need of road repairs and construction.

Mr. WHITTINGTON. I anticipate the gentleman's question. The purpose of this bill is to prevent the gentleman's State from being deprived of those funds and to extend the time until 1 year after the war for the projects to be constructed and for the gentleman's State to match it.

Mr. O'CONNOR. How much will the State have to contribute in addition to what is provided for by the present law in order to take advantage of this fund?

Mr. WHITTINGTON. Nothing whatever, no more than required by existing law. It does not make any other change in existing law.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Arizona.

Mr. MURDOCK. I want to commend this legislation for its safeguarding highway funds to the various States. Has any change been made in the allotting of funds for access roads, or is that on the same basis as last year?

Mr. WHITTINGTON. No change whatever has been made.

Mr. MURDOCK. But the amount has been increased?

Mr. WHITTINGTON. The amount has already been increased to \$260,000,000, and there is no amendment for that purpose.

Mr. NORRELL. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. I yield to the gentleman from Arkansas.

Mr. NORRELL. Does this affect the moneys that presently may be due the respective States and which have not heretofore been used?

Mr. WHITTINGTON. It does not, except to prevent their lapsing, as I have stated.

The SPEAKER pro tempore. The time of the gentleman from Mississippi has again expired.

Mr. WOLCOTT. Mr. Speaker, I yield such time as he may desire to the gentleman from New York [Mr. REED].

QUESTIONS AND ANSWERS TO THE TAX PAYMENT ACT OF 1943

Mr. REED of New York. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD relating to the tax question, including questions and answers and certain tables.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

AMENDMENT TO FEDERAL HIGHWAY ACT OF JULY 11, 1916

Mr. WOLCOTT. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the gentleman from Mississippi has covered this bill intelligently and specifically. It seems that he has left very little if anything to be said. I do not believe there should be any opposition to this bill. It is probably one of the most meritorious bills the Committee on Roads has ever reported out.

As the gentleman from Mississippi has said, if we do not act in this matter before July 1 of this year, some \$68,000,000 of funds which have already been allocated to the States will be lost to those States for all purposes. Another amount will revert a year following. The total of these amounts, as you will notice by reference to the hearings, is \$171,544,373.

There has been very little highway construction under the Federal Highway Act, wherein the States match the moneys allocated to them by the Federal Government, because of the war and because the War Production Board under the circumstances could not give priorities to the States and the contractors for sufficient materials for construction. So there has been a period now of some months, perhaps over a year, where all the construction that has been done in the several States has been either maintenance, for the purpose of keeping the roads in passable condition, or the construction of roads under the access highway paragraph of the act under which we authorized \$260,000,000 to be made available to the War and Navy Departments and other divisions of the Government for the construction of access highways to camps, navy yards, and to forest areas, and the construction of approaches to strategic material deposits.

We anticipate that following the war there will be a boom in roadbuilding. It will be essential that a large portion of the highways in the United States be totally reconstructed. In order to do this job effectively and well, the States must make plans now. They should have what is known as a shelf of projects, so that they will be able to utilize all of their facilities immediately after the war for the rehabilitation of these highways which are being broken up because of the heavy traffic incident to our war effort. So we have not only made these unallocated funds available to them for 6 months following the termination of hostilities but we have provided that \$50,000,000 of those funds shall be allocated among the States in accordance with the provisions of section 21 of the Federal Highway Act, which means that this money shall be allotted to the States on the basis of population, area, and road mileage. There will be a fund available to each State for planning purposes.

I can give to the Members of Congress the approximate amount of the \$50,000,000 which will be available to their State highway commissioners for planning and survey purposes.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. May I take the liberty of suggesting to the gentleman, inasmuch as we are considering this matter in the House, that he ask unanimous consent to include those figures in his remarks. I believe they will be important.

Mr. WOLCOTT. The figures I have before me are not exact, but I will have the exact figures in a few minutes.

Mr. Speaker, I ask unanimous consent that as a part of my remarks I may include a break-down of the \$50,000,000 that is referred to in section 3 of the bill, in which there will be a designation of the exact amount which each State will have available for planning purposes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

The matter referred to follows:

Apportionment of \$50,000,000 in accordance with the provisions of sec. 21 of the Federal Highway Act

STATE AND AMOUNT	
Alabama	\$1,073,685
Arizona	737,698
Arkansas	879,398
California	2,052,843
Colorado	920,452
Connecticut	318,057
Delaware	250,000
Florida	736,147
Georgia	1,287,986
Idaho	634,020
Illinois	2,020,185
Indiana	1,232,715
Iowa	1,275,186
Kansas	1,293,058
Kentucky	955,360
Louisiana	762,633
Maine	444,348
Maryland	415,242
Massachusetts	670,583
Michigan	1,556,139
Minnesota	1,380,023

Apportionment of \$50,000,000 in accordance with the provisions of sec. 21 of the Federal Highway Act—Continued

STATE AND AMOUNT—continued	
Mississippi	\$919,522
Missouri	1,519,138
Montana	1,037,280
Nebraska	1,020,507
Nevada	654,359
New Hampshire	250,000
New Jersey	651,596
New Mexico	829,669
New York	2,469,884
North Carolina	1,235,019
North Dakota	765,365
Ohio	1,802,996
Oklahoma	1,162,017
Oregon	849,827
Pennsylvania	2,093,567
Rhode Island	250,000
South Carolina	693,473
South Dakota	804,186
Tennessee	1,066,546
Texas	3,252,287
Utah	576,142
Vermont	250,000
Virginia	936,400
Washington	807,890
West Virginia	563,183
Wisconsin	1,231,947
Wyoming	638,436
Hawaii	250,000
District of Columbia	250,000
Puerto Rico	253,066

Total 50,000,000

The SPEAKER pro tempore. The time of the gentleman from Michigan has expired.

Mr. WOLCOTT. Mr. Speaker, I yield myself 2 additional minutes.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Nebraska.

Mr. CURTIS. Will this bill incorporate the highway plan suggested by the gentleman from Pennsylvania [Mr. SNYDER]?

Mr. WOLCOTT. This bill does not include the plan advanced by the gentleman from Pennsylvania [Mr. SNYDER]. The committee has given a great deal of consideration to that, but we think the matter has to be thought out a great deal more thoroughly than it has up to the present time before we want to recommend it to the House.

Mr. WHITTINGTON. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from Mississippi.

Mr. WHITTINGTON. It is understood that under section 3, in the event any State does not use its part of the \$50,000,000 allocated, that part will still be available for construction, so the State does not lose it.

Mr. WOLCOTT. Yes. I may say that this \$50,000,000 is deducted from the aggregate in the final settlement with the States. None of the States is going to lose any of its money through this allocation process.

Mr. CASE. Mr. Speaker, will the gentleman yield?

Mr. WOLCOTT. I yield to the gentleman from South Dakota.

Mr. CASE. Referring to what the gentleman has just said, the bill applies to moneys allocated for secondary road funds as well as for primary Federal aid?

Mr. WOLCOTT. Yes. The total amount available at the present time for Federal aid to highways, secondary roads, the elimination of grade railroad crossings which have been allocated in accordance with the Federal highway acts that have been passed, is the total that I have mentioned, \$71,544,373.

Mr. HOBBS. And there is nothing in this bill which relaxes the rule about wartime construction?

Mr. WOLCOTT. No. As a matter of fact, we make it easier in this bill for those funds to be used. We increase the amount available for the construction of access roads to sources of raw materials, from \$10,000,000 to \$25,000,000.

Mr. HOBBS. What I am inquiring about is the relaxation of the rule as to access roads to forts, airports, and similar training grounds, for the preparation of our boys for combat service.

Mr. WOLCOTT. No. I think the gentleman refers to the provision of the bill by which we made available \$260,000,000 for the construction of what we term "access highways" to camps, navy yards, and so forth.

Mr. HOBBS. And there has been relaxation with regard to roads to sources of raw material but no relaxation as to others?

Mr. WOLCOTT. We increase the amount made available from \$10,000,000 to \$25,000,000. There has already been expended about \$9,000,000 of the original \$10,000,000 of the original \$260,000,000 made available, and because they have to expand this program we have increased that \$10,000,000 to \$25,000,000, making available an additional \$15,000,000 to construct access highways to sources of raw materials, so that there will be perhaps a lessening by \$15,000,000 of the total amount used for other purposes, and it is all the same fund anyway.

Mr. HOBBS. It may be somewhat harder instead of easier to get needed construction to camps, and so forth.

Mr. WOLCOTT. No; because there is plenty of money available for all those purposes.

Mr. WHITTINGTON. Mr. Speaker, I yield 5 minutes to the gentleman from West Virginia [Mr. RANDOLPH].

Mr. RANDOLPH. Mr. Speaker, the legislation which comes with the unanimous report of the House Roads Committee proposes to take those funds which were provided in our Defense Highway Act of 1941, and use them for a program of planning and the prosecution of road construction immediately after the war. We know that the shortage of manpower and materials made it impossible during the past year to do any appreciable amount of work in any of the States of the Union. Testimony presented to the House Roads Committee disclosed our present improved roads will not remain so without constant maintenance and without replacement when they get beyond the condition of economical maintenance. In many cases they have become a menace to safe highway transport.

Our highway network would decrease rapidly in adequately improved mileage if construction should stop. Under such

an assumption by the end of 1960 there would be but 27,000 miles of surfaced roads remaining, from about 209,800 surfaced miles now existing on the Federal-aid highway system.

An adequate reconstruction program is essential in view of an estimated increase in motor-vehicle registration. At the same time there will no doubt be an appreciable increase in annual travel per vehicle, bringing approximately a 50-percent increase in use of the highways.

The Roads Committee learned in February 1938 that the following reconstruction program would be required to meet traffic demands and provide an adequate system by 1960.

On the Federal-aid system the following annual program would be required from 1945 to 1960 if we are to have a 250,000-mile, surfaced, Federal-aid system by that date:

	Miles
Sand-clay, topsoil, etc.....	2,332
Gravel and stone types.....	6,943
Bituminous macadam and bituminous mixes.....	4,739
Concrete, bituminous concrete, brick, etc.....	4,000
Total annual mileage Federal-aid system.....	18,014

The average total mileage constructed on the Federal-aid system for the period from 1921-37 was 14,407 miles, although during the years 1935, 1936, and 1937 the average was approximately 13,000 miles on the Federal-aid system.

The House Roads Committee heard in 1938 and again in 1940 that the need for modernizing our road system was increasing at an alarming rate. The total estimated cost of modernizing the roads in 1938 was \$3,329,000,000 for 98,181 miles of roads plus \$393,428,000 for 19,376 bridges. By 1940 these figures had increased to \$3,500,000,000 for 106,560 miles of highways plus \$444,476,000 for 21,682 bridges. At that rate the cost of modernization for highways averaged \$115,550,000 for 4,189 miles of highways per year plus \$25,024,000 for 1,153 bridges per year. This enormous increase was occurring in spite of a normal construction program by the States of approximately \$500,000,000 per year.

During the latter part of 1942 practically all road construction was stopped except for that small mileage which was considered of immediate military importance. Therefore, in addition to the rapid need for modernization there must be added the amount of normal construction which has accumulated in the amount of \$650,000,000. Taking the figures of 1938 and 1940, with the addition of the average increased need for modernization and the accumulated amount of delayed-annual construction, there exists as of 1943 on the Federal-aid and State highway systems a needed construction program of \$5,016,000,000.

The explanation made by the gentleman from Mississippi [Mr. WHITTINGTON] and the gentleman from Michigan [Mr. WOLCOTT] as to the general provisions of the bill correctly bring to the membership the necessity for the passage today of this legislation.

I direct attention to section 5 of the proposed measure. This portion of the bill, originally embodied in H. R. 2615, would not only authorize but would direct the Commissioner of Public Roads to make a survey of the needs for express highways in the United States. In that study he would bring back to the President and to the Congress recommendation for the number of such highways needed, the approximate routes which they should follow, and the approximate cost of construction.

Mr. HARE. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. Yes; I yield to the gentleman from South Carolina.

Mr. HARE. Will it be entirely within the discretion of the Commissioner to determine the location of these highways, or will there be any direction from the Congress?

Mr. RANDOLPH. The Commissioner of Public Roads is directed by the House Roads Committee, and by the Congress, if this bill is enacted into law, to work with his staff in cooperation with the road officials of the various States, including the gentleman's State, in determining the need, approximate locations, and approximate cost of these highways. He must report within 6 months with a definite limitation on Commissioner McDonald to bring back to Congress and to the President in that period his findings. His report would also recommend to the Congress such legislation as it is deemed advisable to pass in connection with superhighways or express roads.

Mr. MURDOCK. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. Yes.

Mr. MURDOCK. I take it that this survey you would authorize in section 5 is post-war planning for highway building.

Mr. RANDOLPH. The gentleman is correct. I might say also that it is absolutely necessary to plan for the future of America, not only from the standpoint of an integrated highway system but in many other aspects as well, and I believe the able gentleman from Arizona agrees with me on that proposition.

Mr. MURDOCK. If the gentleman will permit me, I have always regarded the gentleman as a great advocate of aviation, commercial and otherwise. The gentleman does not feel that aviation will make such strides, that transportation by land or sea will be relatively unimportant.

Mr. RANDOLPH. The gentleman raises a pertinent point. I would not assume to say that any one system of transportation would replace any other system.

Mr. MURDOCK. The gentleman from West Virginia has also been a staunch advocate of very superior highways ever since I entered Congress in 1937. No doubt, the study provided for in section 5 is planned to coordinate all systems of transportation.

Mr. RANDOLPH. We need an integrated system of transportation and communication in America—highways, skyways, and waterways. All of them need to be well rounded, and this sort of

a survey will be very helpful toward that end.

Mr. HOFFMAN. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. HOFFMAN. Do you think if the O. P. A. continues its present activities there will be anything to haul on these highways?

Mr. RANDOLPH. I should say to the gentleman that I am not in agreement with the policies of the O. P. A. in many particulars. The gentleman may remember that I once said in this body that the American people are eager to comply with restriction, with regulation, and with rationing, but they want common sense used in those programs. On that we are in agreement. I will say in connection with the hauling that across the Pennsylvania turnpike, which is one of the roads which serves as a pattern for what tomorrow will hold from the standpoint of express highways in America, each minute and 17 seconds we have a truckload of munitions moving over that highway between Pittsburgh and Harrisburg, Pa.

Mr. PACE. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. PACE. Has Mr. McDonald done enough preliminary work to complete this comprehensive survey within 6 months?

Mr. RANDOLPH. In appearing before the House Roads Committee he was questioned on that very point, and he and his associates, in cooperation with the men who are in positions of leadership throughout the States, are working now on such a plan. The report can be ready in the half-year period.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. WHITTINGTON. Mr. Speaker, I yield the gentleman 1 additional minute.

Mr. RANDOLPH. Mr. McDonald indicated to the committee that this job could be completed and a report made to the Congress within the prescribed time. He believes such a report will be needed and valuable for post-war work.

Mr. STEFAN. Mr. Speaker, will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. STEFAN. To clarify the situation as to why we need roads for tomorrow, unless we have roads to take care of the airplane traffic that is coming, the airplane traffic will not be successful?

Mr. RANDOLPH. You are correct. The gentleman pictures the future as one in which air travel joins hands with highway development.

May I say for the RECORD, that there is legislation pending in this House, of which I am the author, which would call for a Nation-wide survey of the need for an expanded airport system in this country.

Mr. WHITTINGTON. Will the gentleman yield?

Mr. RANDOLPH. I yield.

Mr. WHITTINGTON. In that connection, it is well to keep in mind in response to the question of the gentleman from South Carolina [Mr. HARE] that Mr. RANDOLPH's amendment in section 5 provides for approximate routes

and approximate costs of these highways, so as to eliminate any anticipated competition as to the location of these lines.

Mr. RANDOLPH. The gentleman is absolutely correct. We here lay the ground work for future discussion and planning. Now is the time to proceed.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. WOLCOTT. Mr. Speaker, I yield such time as he may desire to the gentleman from Kentucky [Mr. ROBSON].

Mr. ROBSON of Kentucky. Mr. Speaker, I arise in support of the motion to suspend the rules and pass the bill (H. R. 2798) which amends the Federal Highway Act approved on November 9, 1921.

A rather restricted and experimental measure was passed by Congress and approved July 11, 1916, but the great basic Federal Highway Act was passed by Congress and approved November 9, 1921. I regard that as one of the great constructive measures and policies of the Congress and the Nation.

When I first became a Member of Congress in 1919, I requested and was named as a member of the Committee on Roads of the House, and later on introduced the measure before the Roads Committee of the House that was in substance finally adopted and became the Federal Highway Act of November 9, 1921. I have consistently through the years given my support to amendments that would strengthen this legislation and have supported appropriations to carry out the purpose of that act to provide a unified, coordinated system of highways for the Nation and to aid the States in the building of such a system of highways. Under that act a great unified coordinated system of hard-surfaced roads has been built extending to every county seat and to every industrial and populace center of the Nation, and it has brought good roads to within 2 miles for at least 90 percent of the people of the United States. This system has been of inestimable value to the farmers in providing farm-to-market roads and comfort and pleasure to the farm population. It has contributed more than anything else to the development of our great automobile industry, to convenient truck and bus service. It has served as feeders to our water- and rail-transportation services by bringing the products of the forests, farms, and mines to the rail and water lines. This system of good roads has enabled tens of millions of Americans to see their country and become acquainted with their fellow Americans in all sections of the Nation. I have said many times, if we had had this great system of highways for a reasonable period before the Civil War, there likely would have been no Civil War. The North would have known their neighbors in the South and our citizens of the West would have become acquainted with their fellow Americans in the East. When we get to know each other very well, we find that Americans are very much the same whether living in the North, South, East or West. Our system of highways has brought untold blessings to the American people.

I am in favor of the bill H. R. 2798. It modifies the Federal Highway Act approved November 9, 1921. Under the original act no part of the Federal funds could be used in paying for the rights-of-way. This measure amends that act and provides the term "construction" means the supervision, inspection, and actual building and all expenses including the costs of rights-of-way incident to the construction of highways. If this measure becomes a law, the Federal Government may participate with the States in paying for the rights-of-way, the same as it now does in the actual building of the highways. In other words, the costs of rights-of-way become a part of the construction of Federal highways and the Federal Government may contribute for that purpose.

Under appropriations heretofore made by the Congress to aid the States in the construction of Federal-aid highways sums have been allotted to Kentucky and other States of the Union. These allotments or obligations will expire on June 30, 1943. On account of the war and the inability of the States to secure the necessary materials for the construction of highways, Kentucky and other States will not be able to use these Federal funds that have been allotted to them before June 30, 1943, and this money will revert to the Treasury. This measure preserves these funds to Kentucky and the other States until after the war and they can then be used to aid in the road-building program of the several States.

Section 3 of this bill provides that the United States Commissioner of Public Roads is authorized to expend in cooperation with the highway departments of the several States for engineering and economic investigations of projects for future construction, surveys, plans, specifications, estimates for post-war highway improvements so much of the unobligated funds, Federal aid for secondary feeder roads and for the elimination of hazards of railroad grade crossings that now remain available to such States as may be adequate but not to exceed in any State an amount which would represent such State's share of \$50,000,000 apportioned under the formula provided under section 21 of the Federal Highway Act, and the provision that the Federal Government may enter into agreements with any State highway department for such portion of the State highway department not exceeding the unobligated Federal funds due each of the several States. In other words, this authorizes the States to go ahead and make surveys, plans, specifications, estimates, and agreements for post-war highway projects. We are giving authority here for the highway departments of the several States to make plans for carrying on Federal highway projects after the war.

Section 4 amends section 6 of the Defense Highway Act approved on November 19, 1941, authorizing the expenditure for the purpose set forth in that act not to exceed \$25,000,000.

There has been much discussion over a period of several years on the subject of building a system of express highways throughout the United States in Con-

gress and out. It has been urged that these express highways would be self-sustaining and should be built for handling busses and trucks, and especially truck transportation to relieve the congested condition of our highways and add to the safety of our highway travel.

Section 5 authorizes and directs the United States Commissioner of Public Roads to make a survey for the need of a system of express highways throughout the Nation, the number of such highways needed, the appropriate routes which they should follow and the approximate costs of construction and to report to the President and Congress within 6 months after the date of the enactment of this act the results of such surveys together with such recommendations for legislation as deemed advisable. I think this is a very wise step and we are very fortunate indeed in having as the Commissioner of Public Roads Hon. Thomas McDonald. As I recall, he was appointed Director or Commissioner of Federal Highways about 1916, and he has continued in office ever since. To him, more than any other one person, is due the credit of laying out and constructing in cooperation with the States our wonderful unified system of highways. He has done a wonderful job, and in all of the years there has not been the slightest intimation that there was any graft or inefficiency in his administration of the Federal highway funds. I am convinced that he will bring to the President and Congress a most illuminating report under the authority granted under section 5 of this bill. He is so very competent from time to time our Government has loaned him to other nations in the Western Hemisphere to help plan and lay out their system of highways.

I am very glad indeed to give this measure my support, and I trust that the motion will prevail and that this measure will be passed without a dissenting vote.

Mr. WHITTINGTON. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. ELLIOTT].

Mr. ELLIOTT. Mr. Speaker, when this bill, H. R. 2798, was under discussion in the committee, I brought to the attention of the committee at that time a new paragraph which I thought should be placed in the bill. I was assured by the chairman of the committee, the gentleman from Utah [Mr. ROBINSON], that this provision would be placed in the bill, inasmuch as I was compelled to be absent owing to the fact that I was named by the Speaker to accompany the body of our late colleague Mr. Englebright to his home. When I arrived in Washington I found that it had been left out of the bill altogether.

That provision deals with damage done by the Army and Navy to roads in practically every State in the Union at this time. Under section 10 of the by-laws the Commissioner of Public Roads is authorized to reimburse the several States for the necessary damage caused by the Army or the Navy, but it does not go far enough to assist the States and cities when a private contractor doing work either for the Army or the Navy causes damage. The States and cities

cannot be reimbursed under that provision.

You will find many States, many counties and municipalities in the United States at this time where the damage has run as high as \$1,000,000, where large strips of road are a total loss, and which cannot be reimbursed under the provisions of this act. I was in the State of Oregon and I saw some of those instances; also in California and Illinois, where great damage has been done to our State, city, and county roads.

I am hopeful that when this bill reaches the Senate that provision will be placed in the bill by the Senate, and then the matter can be ironed out by the conferees of the House and the Senate.

Mr. Speaker, I am hopeful that this legislation will be passed. It is very much needed. But the provision I mentioned is one of the most urgent provisions to be placed in this particular bill at this time, because, as I stated, numerous cities of military importance on our coast, as well as thoroughfares, have been damaged. The damage has not been actually done by the Army or the Navy, but by contractors doing work for the Army and the Navy. Under the language of this bill they cannot be made to reimburse the respective municipalities and States.

Mr. WHITE. Mr. Speaker, will the gentleman yield?

Mr. ELLIOTT. I yield.

Mr. WHITE. If the gentleman has no objection, I would like to ask the chairman of the committee, Mr. WHITTINGTON, a question. What provision is made in this bill for cooperation between the Bureau of Public Roads and the Forest Service in the construction of access roads to open up the metal needed in our war effort?

Mr. ELLIOTT. I can answer that question. That is taken care of in section 4. Twenty-five million dollars is made available for access roads, chiefly access roads to mines, and so forth.

Mr. WHITE. You must remember the Forest Service has the engineering force and equipment to build these roads, but they must have the money, and there is no provision to supply that money.

Mr. ELLIOTT. One of the provisions of the bill, I will say to the gentleman from Idaho, takes care of access roads to mines, no matter whether they are in forest areas or not.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. WOLCOTT. Mr. Speaker, I yield 4 minutes to the gentleman from Oregon [Mr. MOTT].

Mr. MOTT. Mr. Speaker, the purpose of this bill is twofold. It has two main objectives, both of them are very simple and both are sound.

The first purpose of the bill is to prevent the reversion to the Federal road fund of Federal-aid money already allocated to the several States but which has not yet been obligated by those States for the reason that during the past year it has been practically impossible to build roads. The W. P. B. will not give priorities for road building because the crit-

ical materials which go into road construction, and the manpower required for road building are needed in other phases of the war effort. If this bill is passed the money which has already been allocated to the States under existing law and which under that law belongs to the States, will not revert to the general fund to be reapportioned. If the bill is not passed these funds will revert and the States will lose this money.

A second objective of the bill is the legal recognition of a fundamental fact which should have been recognized long ago—and that is that acquisition of rights-of-way is a proper and necessary part of road construction, and that planning and engineering and surveying are likewise a part of road construction.

In this bill, for the first time, the Congress recognizes the obligation of the Federal Government to participate with the States in this phase of road building, and, therefore, section 1 of the bill redefines the term "construction" to include acquisition of rights-of-way so that Federal-aid highway funds may be used for that purpose. It also recognizes the obligation of the Federal Government to participate with the States in road planning, particularly post-war planning, by making available to the States the sum of \$50,000,000 to be used for post-war road planning, which sum will be matched by the States. Heretofore the States have borne the entire expense of both right-of-way purchases and of engineering and planning.

The bill is a very progressive one. It takes a definite step toward full participation by the Federal Government with the States in road building. It recognizes the fact, which many of us on the Roads Committee have so long urged, that the Federal Government should take a much greater part in road construction and should bear a much greater portion of the expense than it ever has before.

The building of an adequate highway system is no longer purely a State matter. It has become a national matter and it is fast becoming an international one.

The Federal Government has never contributed funds to the States for road building which were commensurate with the amount of money which the Federal Government takes each year from the road users of the several States through the imposition of the Federal gasoline tax. On the average we have allocated to the States each year an amount equivalent to less than one-half of the money which the Federal Government has collected each year from the road users of the States, and we have left the other half in the Federal Treasury to be used for purposes other than road building. That has never seemed to me to be fair or just or equitable, and, for my own part, I intend to continue to do everything I can to bring about enactment of legislation under which the Federal Government will contribute its full share of responsibility for the building and maintenance of our Federal highway system.

The SPEAKER pro tempore. The time of the gentleman from Oregon has expired.

Mr. WOLCOTT. Mr. Speaker, I yield such time as he may desire to the gentleman from Massachusetts [Mr. GOODWIN].

Mr. GOODWIN. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD at this point.

The SPEAKER. Is there objection?

There was no objection.

Mr. GOODWIN. Mr. Speaker, I hope this bill will pass because it will put Congress on record before the country as taking one very important and far-seeing step in the program of post-war reconstruction. When this war is over two compelling facts will face a nation confronted with meeting and solving vital post-war problems: First, a sadly deteriorated road system; and, second, millions of returned and returning servicemen and defense workers seeking and deserving employment.

Under a wartime economy neglect of our highways has been inevitable, but in the transition to the anticipated peacetime economy there will be few necessities which will deserve priority over the need of a well-integrated system of highways in a state of repair and improvement permitting safe and speedy traffic. To promptly rehabilitate our road system will call for an army of laborers which can be readily recruited from those whose services will be freely and urgently offered to follow war and defense services which will sooner or later become summarily terminated.

This bill insures to the several States the continued right to the use of Federal funds which were made available for Emergency highway transportation needs under the Defense Highway Act of 1941, but which have not been obligated, and, in most cases, could not be obligated because of wartime restrictions. And these funds may now be employed, if the bill is enacted, by the several States for surveys and for construction, including the costs of rights-of-way.

Engineering forces in the State highway departments have been seriously depleted, but such forces as are left intact may be set to work at once in the preparation of plans for post-war construction and for the acquiring of rights-of-way so that instead of a delay of a year or more when the war ends the States will be ready to start work at once.

We can hardly overestimate the value of this saving of a year's time in putting our highway and motor-transportation system in an adequate condition to carry the commerce of the country in a world at peace if the country is to take the place we want it to take in the commerce of the world.

Each of the States now has a system of highways which, taken together, form a national network which has become one of the most important of those facilities making up our boasted national economic system. Improvement of this system, necessarily interrupted by the prosecution of the war, may now be resumed as soon as the war is over when the States take advantage of the provisions of this bill.

There is no public work more useful than highway construction. It stimulates production as well as employment because it not only provides direct labor in many fields near the sources of labor but also provides labor in the production of equipment and machinery. It calls for materials of many sorts from many sources. It does not compete with private industry, but rather stimulates private industry and private enterprise by starting a chain of business activity which reaches into many channels and extends back through the mines and the mills and through an ever widening cycle of business contacts it plays an important part in creating and maintaining what we call good times.

Enactment of this bill will be acclaimed by all who are looking to the Congress to begin now to legislate in anticipation of the day when we shall face the difficult task of setting up the stabilizing constituents of a civilian peacetime economy to displace the total war economy of today.

Mr. WOLCOTT. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. STEFAN].

Mr. STEFAN. Mr. Speaker, I think it is very timely that road legislation is being brought to us for consideration. The farmers are interested in this legislation, especially where it refers to farm-to-market roads. There are thousands of miles of farm-to-market or feeder roads which have had very little attention and which must be made all-weather roads. Farm-to-market or feeder roads and our post roads must be made all-weather roads in order that we can solve our distribution and transportation problem as it relates to the plan for the future construction of super-highways.

The importance of rural road improvement is shown in the 1940 census figures which indicate that a total of 4,144,136 passenger automobiles and 1,047,084 motortrucks are owned on 4,486,220 farms. The obsolescence of these roads is indicated by the fact that in one pre-war year more than 27,000 of the 39,500 traffic-accident deaths occurred on rural highways.

It is absolutely essential that the American farmer be lifted out of the mud, into which many of the country roads are transformed during wet weather. The post-war period must bring to the American farm population a Nation-wide system of modern, all-weather roads.

I favor the passage of H. R. 2798 which is a bill to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes", approved July 11, 1916, as amended and supplemented. The bill is a substitute for H. R. 2113, upon which the members of the House Committee on Roads held extensive hearings on May 14, 15, 17, and 20, 1943. The hearings on this bill are very important and should be read by every Member of the House who realizes that our road-construction program had just begun when war hostilities started and when much of the construction program had to be curtailed in order that we could concentrate our

road work on military or defense highways. The report contains some interesting tables, one showing unobligated balances of regular funds, availability of which will expire on June 30, 1943, as of April 30, 1943.

The unobligated balances of regular funds in my State of Nebraska show that in the highway fund we have \$1,810,155; for secondary or feeder roads \$348,653; for grade crossings \$186,780, or a total of \$2,345,588 of unobligated balances of regular funds.

The second table in the report which accompanies this bill shows balances of funds apportioned to all States available for programmed projects as of April 30, 1943, and this table indicates that in Nebraska we have for the regular Federal aid \$3,029,640; for Federal aid, secondary roads, \$691,898; and for Federal aid, grade crossing roads, \$515,703; or a total of \$4,237,433.

Under the Defense Highway Act of 1941, funds were made available to the various States in accordance with a formula provided by law in order to meet the emergency highway transportation needs. Because of the difficulty in obtaining labor, equipment, and materials, it has been impossible for the States to obligate these funds. Section 5 of the Defense Highway Act of 1941 provides that these funds, together with all Federal road funds apportioned to the States prior to December 31, 1941, if not obligated by the States on or before June 30, 1943, shall be reapportioned among the States. The section further provides that no State having an unobligated balance in its road fund shall be entitled to participate in the reapportionment. The most pressing reason for the passage of the legislation now under consideration is the provision found in section 2 of H. R. 2798, which would prevent the reversion and reapportionment of these funds.

The remaining sections of the bill would lay the ground work for a well-planned program of essential road construction and repair to be commenced at the end of the war.

Because of the great interest Nebraska has in this program, I urge the passage of the bill because we in Nebraska are anxious that the Federal- and State-aid program be continued in order that we can complete a well-thought-out and a well-considered road program which includes the completion of thousands of miles of farm-to-market or secondary roads.

We are also interested in the passage of this bill because, under existing law, the cost of rights-of-way in the construction of roads under the Federal-aid program is left to be met by the States without Federal participation. Section 1 of this bill would amend the definition of the word "construction" as found in section 2 of the Federal Highway Act of November 9, 1921, so that costs of rights-of-way may be included as part of the construction costs and may be shared by the State and Federal Governments on the same basis as other items of construction.

Regarding the reversion and reapportionment of highway funds, one section

of the Defense Highway Act of 1941 provides that any Federal funds apportioned to States prior to December 31, 1941, pursuant to existing Federal-aid road legislation, which shall not be obligated on or before June 30, 1943, shall be reapportioned immediately thereafter among the States in accordance with the provisions of the Federal Highway Act, as amended and supplemented, except that any State or States which shall not have so obligated said funds on June 30, 1943, shall not be entitled to share in such reapportionment. I am informed that up to this time no State has been able to obligate all the funds allotted to it. This is true, not because the need for road construction, maintenance, and repair is not critical, but because labor, materials, and equipment have been assigned to work which the Government has regarded as even more urgent. Since my State could not qualify, section 5 of the Defense Highway Act, if allowed to operate on these unobligated funds, would place the Federal Government in the position of having reacquired funds for reapportionment among the States and finding no State eligible to participate—and not due to any lack of diligence or good faith on the part of the States.

Therefore, the second section of this bill would correct this situation created by section 5 of the Defense Highway Act of 1941 by providing that the unobligated balances shall remain available for obligation by the States during the continuance of the emergency and for 1 year thereafter.

The second section of this bill would also correct another serious situation. Under existing law, unobligated funds apportioned to the States since December 31, 1941, which would not be affected by section 5 of the Defense Highway Act, would revert to the general road fund, according to the terms of their authorization, on July 1, 1944. In other words, all the funds now apportioned to the States under the various Federal highway acts will revert to the Federal road fund either on July 1, 1943, or July 1, 1944, unless the States have obligated these funds before the time has expired, or unless remedial legislation, such as the legislation we have before us, is passed to allow the use of the funds on a broader scale and to prevent the reversion of the unused amounts.

The committee was wise in drawing this bill in that it provides for some post-war planning. You will find that section 3 of the bill, together with section 1, which includes the cost of rights-of-way as part of "construction" as defined in the basic Federal Highway Act, would authorize the expenditure by each State of an amount which would not exceed that State's share of \$50,000,000, apportioned among the States, for making surveys, engineering and economic investigations of projects for future construction and for the purchase of rights-of-way. The object of section 3 in this bill is to provide advance planning of highway improvement projects so that they may be placed under construction immediately at the close of the present war to meet the future

highway transportation needs, and, if necessary, to provide employment for the men and materials to be released at the end of the war.

Those of you who listened to the speech by the gentleman from Pennsylvania, the Honorable J. BUELL SNYDER, on his proposed super-highway program will readily admit that the House Committee on Roads has given much study to post-war planning so far as road construction is concerned. Right along that line, section 5 of the bill authorizes and directs the Commissioner of Public Roads to make a survey of the need for a system of express highways throughout the United States, the approximate number and routes of such highways and the probable cost of such a system. The Commissioner is directed to report the results of the survey to the President and to Congress within 6 months after the date of the enactment of the act.

Due to the fact that the Pennsylvania Turnpike connects with Highway No. 30 near Pittsburgh and due to the fact that the map which was displayed by Mr. SNYDER recently on the floor of this House would indicate that the turnpike would be connected with Highway No. 30 going west, I feel that some consideration should be given to the program of express highways after the war is over. This Highway No. 30 goes through my State and is one of the most heavily traveled highways in the Midwest. It should be considered in post-war highway planning.

I feel that the committee has done valuable work in including feeder roads to sources of raw materials in this proposed legislation. Section 6 of the Defense Highway Act of 1941, as amended by the act of July 2, 1942, provides that of the \$260,000,000 fund made available for access roads, \$10,000,000, now almost exhausted, shall be available for access roads to sources of raw materials. That limitation has operated to prevent construction of many projects which have been certified as important to the national defense. So the purpose of one section in this bill—section 4—is to raise this limitation to \$25,000,000 and make it possible to use more of the access-road funds for building these roads to sources of critical raw materials. Such roads are of the low-type construction into mining and timber areas to make it possible to develop mines and produce needed raw materials and make them available for use in the war effort. I feel that the removal of this limitation is of the utmost importance.

Mr. Speaker, this bill reflects very careful study of present and future highway construction. The bill was well considered by the House Committee on Roads which merits much commendation. I see in this legislation much of the work which has been done in research and study for post-war planning by Mr. Thomas McDonald, the director of our road bureau; by Mr. Charles Upham, the great road engineer of the American Road Builders Association; the work of great road machinery construction people; great highway engineers and some of

our great American material men. I feel that the combined efforts of these American road builders is reflected in this legislation along with the excellent work of every member of the House Committee on Roads. It has been my experience to learn that this committee gives unusual and serious study to all of the legislation which is proposed to it. I am happy to note that the fundamental principles in the American Road Builders' Association post-war program finds its initial start in this legislation.

Mr. WOLCOTT. Mr. Speaker, I yield the remainder of my time to the gentleman from Iowa [Mr. CUNNINGHAM].

The SPEAKER pro tempore. The gentleman from Iowa is recognized for 5 minutes.

Mr. CUNNINGHAM. Mr. Speaker, this bill has the approval of the Association of State Highway Officials. Failure to pass this legislation would place a penalty on those States which have been economical and restricted expansion to aid the war effort and at the same time grant a bonus to the spendthrift States. It enables the State highway engineers of each State as well as the District of Columbia to plan now for the post-war period and thus be ready to furnish immediate employment for the discharged soldiers. These State highway associations have their personnel but not much work for them to do during the emergency. The passage of this bill will enable them to turn their forces loose acquiring or selecting rights-of-way, and drawing plans and specifications for the highways to be repaired and built at the close of the emergency, so that when the boys come back from the service they will have work to put them on at once without having to consume time to acquire rights of way and draw plans and specifications.

Every State in the Union, including the District of Columbia, will benefit by this legislation. Under the Defense Highway Act of 1941 funds were made available to the several States to meet emergency highway needs. This act also provided that unless the funds were obligated by the several States by June 30, 1943, the money would be reapportioned. The States, as explained by the gentleman from Mississippi, the gentleman from Michigan, and others, were unable to obligate these funds because of the emergency. The Emergency Highway Act of 1941 also provided that no State having an unobligated balance to its credit could participate in any of the reapportionment. Since all of the States, including the District of Columbia, have an unobligated amount to their credit, this means that the reapportionment of this fund, if this legislation is not enacted into law, will result in all the States losing the amount that was apportioned to them originally and therefore each State of the Union would suffer by the failure of this act.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman yields back 1½ minutes.

Mr. WOLCOTT. Mr. Speaker, I yield such time as he may desire to the gentleman from California [Mr. CARTER].

Mr. CARTER. Mr. Speaker, the House is considering H. R. 2798, reported by the Committee on Roads, an act to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

I am very much interested in this road legislation. Under the existing law the Commissioner of Public Roads is authorized to reimburse the several States for the necessary rehabilitation or for the repair of roads and highways of States, of their subdivisions substantially damaged by the Army, or Navy, or both. However, it does not provide reimbursement for the damage that is caused by a person having a contract from the Army or Navy. In my own congressional district, and more particularly in the cities of Oakland, Berkeley, Alameda, Richmond, Hayward, and San Leandro, a great deal of damage has been caused by contractors operating heavy trucks over the streets of these cities. Said contractors were working on Army and Navy contracts.

I regret to say that this present bill does not cover the situation of a contractor working for the Army and Navy Departments, and I had intended to offer an amendment along this line. However, I have the assurance of the various members of the House Committee on Roads that it is proposed to insert such an amendment in the Senate, and I have been requested not to offer the amendment at this time in the House. I will conform to the expressed wishes of the membership of the Roads Committee. I am very glad to support this legislation today, and trust that it will pass the House without serious opposition and I also am hopeful an amendment as above indicated will be placed in the bill in the Senate.

Mr. WOLCOTT. Mr. Speaker, I yield such time as he may desire to the gentleman from Colorado [Mr. ROCKWELL].

Mr. ROCKWELL. Mr. Speaker, I wish to urge upon the Members present the passage of H. R. 2798. This bill is of the utmost importance to the future of the highways of our States and Nation.

Under the Defense Highway Act of 1941, funds were made available to the various States in accordance to a formula provided by law in order to meet the emergency highway transportation needs. Because of the difficulty in obtaining labor, equipment, and material, the States have been unable to use all of these funds, and there still remains unused by the States over \$171,000,000. This act will prevent the reversion of these unused funds back into the Federal Treasury and will keep them apportioned among the States to be used at the end of the war emergency.

One provision of the act would amend the present highway law so that costs of right-of-way may be included as part of construction costs and may be shared

by the State and Federal Government on the same basis as other items of construction. My State has desired this for many years.

Certain funds are divided and apportioned among the States for the purpose of making engineering surveys and economic investigations of projects with a view of construction after the war. This will make it possible to start work on these State and Federal highways, secondary and feeder roads as soon as hostilities cease. That will result in the immediate employment following the war emergency of hundreds of thousands of men in highway construction over the United States.

Another provision increases the amount of money that may be spent during the war for access roads to sources of raw materials from \$10,000,000 to \$25,000,000. These roads into mining camps and forests are of low-type construction and will open up many more mines and timber areas for development. There probably is no single piece of legislation that will do more to aid in the present and future use of our highways than H. R. 2798. It will lead to the development of much inaccessible raw material so badly needed in our war effort at this time and will retain for use after the war a substantial sum of money for the development of feeder, secondary, and main highways of our Nation.

Mr. WHITTINGTON. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER. The gentleman from Mississippi is recognized for 1½ minutes.

Mr. WHITTINGTON. Mr. Speaker, the gentleman from California [Mr. ELLIOTT] spoke of the necessity of repairs on account of damage by war contractors and has brought up a very important question. It is fair to say that this question was not overlooked by the committee. The testimony of the gentleman was really the only direct testimony as to any particular damage brought to the attention of the committee during the progress of these hearings, and it is fair to say that the chairman of the committee has introduced a resolution for the appointment of committees among other things to look into the damage done, it being kept in mind that under the Defense Highway Act while emergency repairs made necessary by the Army and Navy use are provided for, the difficulty is to say where and when and what type of damage is caused by the Army and Navy.

As a matter of fact all our transportation facilities are being used to their uttermost and it is difficult to say what part of the damage occurring on any highway including those to defense plants is attributable to the war. For this reason the reconstruction and rebuilding of highways will involve enormous sums and in certain instances the relocation of the highway. As I say, the committee has in mind reporting at an early date a program to provide large amounts to be expended by the Federal Government in highway construction following the war that will involve the reconstruction and repair of damages to existing highways.

Mr. ELLIOTT. Mr. Speaker, will the gentleman yield?

Mr. WHITTINGTON. I yield.

Mr. ELLIOTT. How will such a bill take care of the cost of those roads that have already been replaced by counties and States?

Mr. WHITTINGTON. I may say that until we have some more experience under the authority of section 10 of the Defense Highway Act it will be rather difficult for the committee to formulate the legislation that is necessary to provide for the rehabilitation that is needed not only in his area but in other areas of the country as well.

The SPEAKER. The time of the gentleman from Mississippi has expired, all time has expired.

The question is, Shall the rules be suspended and the bill be passed?

The question was taken; and two-thirds having voted in favor thereof, the rules were suspended, and the bill was passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE TO EXTEND

Mr. WHITTINGTON. Mr. Speaker, I ask unanimous consent that all Members who have spoken on this bill may have 5 legislative days within which to revise and extend their own remarks.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

DIRECTING SECRETARY OF LABOR TO MAKE AN INVESTIGATION AND STUDY OF ABSENTEEISM

Mrs. NORTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 2553) directing the Secretary of Labor to make an investigation and study of the extent and causes of absenteeism and to make available the facilities of the Department of Labor to act as a clearing house for information on methods to control absenteeism.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey [Mrs. NORTON]?

Mr. STEWART. Mr. Speaker, I object to the consideration of the bill.

EXTENSION OF TIME IN WHICH SUIT OR SUITS MAY BE BROUGHT UNDER ACT OF JUNE 28, 1938

Mr. O'CONNOR. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 1947) to extend the time within which suit or suits may be brought under the act of June 28, 1938 (52 Stat. 1209).

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Montana [Mr. O'CONNOR]?

Mr. CARTER. Mr. Speaker, reserving the right to object, is this the bill that was called up on the Consent Calendar a short time ago and objected to?

Mr. O'CONNOR. Yes; but I may say to the gentleman from California that the gentleman from Georgia who first objected withdrew his objection. Later on the gentleman from Wisconsin [Mr.

KEEFE objected, but the gentleman from Wisconsin [Mr. KEEFE], as I understand it, is willing now that the bill be considered without objection.

Mr. CARTER. Mr. Speaker, as is well known by the gentleman from Montana, there are certain Members of this House who are designated the official objectors on either side of the aisle. They are not here at this time.

Mr. O'CONNOR. They were all here when the bill was called and considered.

Mr. CARTER. I do not know if the gentleman from Wisconsin [Mr. KEEFE] had not objected that there would not be an objection from some of them.

Mr. KEEFE. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Wisconsin.

Mr. KEEFE. May I say that the matter was presented when the official objectors were here and there was no objection made by the official objectors. The gentleman from Georgia originally objected on the ground he had no knowledge or information sufficient on which to base an opinion. After he ascertained the facts he withdrew his objection and the gentleman from Wisconsin who is now speaking interposed an objection.

I may say to the membership of the House that I have acquainted myself with the facts in reference to this bill and I find that there should be no objection to it, therefore I withdraw any objection that I offered a few moments ago.

Mr. CARTER. Mr. Speaker, will the gentleman from Montana very briefly tell us what the bill does?

Mr. O'CONNOR. Mr. Speaker, I will state what the bill does. In 1938 the Congress passed an act giving the Ute Indians of Utah the right to file a claim in the Court of Claims against the Government involving the value of some land that the Indians claimed had been unlawfully taken from them. There was an expiring date on that right to file the suit of June 28, 1943.

The reason why suit has not been filed is because two members of the law firm who represented the Ute Indians are now in the service of the Army or Navy.

Mr. CARTER. How long a time will this be extended?

Mr. O'CONNOR. It is extended until 1946. I may say further that this bill has the support of the Interior Department and likewise the Commissioner of Indian Affairs who believe the Indians should have their day in court. That is in substance what the bill is.

Mr. KEEFE. Will the gentleman yield?

Mr. CARTER. I yield to the gentleman from Wisconsin.

Mr. KEEFE. My investigation discloses the facts to be that the attorneys who were handling these claims for the Indians purposely refrained from starting suit on the items that are now open because of the fact that they were in negotiation with the Interior Department and it was expected, and still is expected, that these matters on which suit has not been instituted will be settled

by agreement without the necessity of commencing suit; but they are under the necessity of either commencing this suit before the expiration date, which is about 20 days hence, or they will lose their right to commence suit. If they do commence action it is expected that that will set aside all of the efforts toward negotiations that have been had in the past. I believe we will be doing a good thing if we extend the time on the basis of those facts which I have ascertained.

Mr. CARTER. Does not the gentleman think that is an unusually long time to extend that right? That is a period of 3 years, as I understand it.

Mr. KEEFE. I do not think so, under the circumstances, due to the fact I have also ascertained that the two men in Mr. Wilkerson's office who represent these Indian tribes and who had the active handling of these particular claims have entered the armed forces and there is no one in the office who is familiar with these claims, and who can within the time limit properly prepare the petition in order to get the claims in the Court of Claims.

Mr. CARTER. Mr. Speaker, in view of the statement of the gentleman from Wisconsin and the gentleman from Montana, I withdraw my objection.

The SPEAKER. Is there objection to the request of the gentleman from Montana [Mr. O'CONNOR]?

There being no objection, the Clerk read the bill, as follows:

Be it enacted, etc., That the time within which a suit or suits may be brought under the act entitled "An act conferring jurisdiction upon the United States Court of Claims to hear, examine, adjudicate, and render judgment on any and all claims which the Ute Indians or any tribe or band thereof may have against the United States and for other purposes," approved June 28, 1938 (52 Stat. 1209), be, and the same hereby is, extended until 1 year after the termination of hostilities by the United States in the present World War.

With the following committee amendment:

Page 2, lines 1 and 2, strike out the words "1 year after the termination of hostilities by the United States in the present World War" and substitute therefor "December 31, 1946."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. HINSHAW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and include therein an article entitled "Women at Work."

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

CALL OF THE HOUSE

Mr. BLACKNEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. CANNON of Missouri. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 93]

Barry	Fulmer	O'Toole
Bell	Furlong	Pfelfer
Bradley, Mich.	Gavagan	Philbin
Brehm	Gibson	Pracht
Buckley	Gossett	Rees, Kans.
Bulwinkle	Grant, Ala.	Rivers
Byrne	Gross	Rizley
Cannon, Fla.	Hébert	Robinson, Utah
Capozzoli	Heffernan	Rogers, Calif.
Celler	Hendricks	Russell
Chenoweth	Hollfield	Sabath
Cochran	Holmes, Mass.	Sasser
Cole, N. Y.	Hope	Scanlon
Colmer	Johnson	Smith, W. Va.
Costello	Lyndon B.	Stanley
Crawford	Johnson, Okla.	Steagall
Culkin	Kelley	Stearns, N. H.
Cullen	Kennedy	Talbot
Curley	King	Taylor
Dawson	LeCompte	Thomas, N. J.
Dies	LeFevre	Tolan
Dirksen	Lynch	Treadway
Domengeaux	McGehee	Van Zandt
Doughton	McGranery	Vinson, Ga.
Douglas	McGregor	Voorhis, Calif.
Drewry	Marcantonio	Wadsworth
Eaton	Morrow	Weichel, Ohio
Eberharter	Monkiewicz	Wheat
Feighan	Mundt	Whelchel, Ga.
Fitzpatrick	Nichols	Worley
Flannagan	O'Brien, N. Y.	
Fogarty	O'Leary	

The SPEAKER. Three hundred and thirty-eight Members have answered to their names, a quorum.

Further proceedings, under the call, were dispensed with.

URGENT DEFICIENCY BILL, 1943— CONFERENCE REPORT

Mr. CANNON of Missouri. Mr. Speaker, I call up the conference report on the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, and ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2714) "making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 59.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 36, 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58; and agree to the same.

Amendment numbered 7: That the House recede from its disagreement to the amendment of the Senate numbered 7, and agree to

the same with an amendment, as follows: In lieu of the sum proposed insert "\$4,497,000"; and the Senate agree to the same.

Amendment numbered 9: That the House recede from its disagreement to the amendment of the Senate numbered 9, and agree to the same with an amendment, as follows: In lines 11, 12, and 13 of the matter inserted by said amendment strike out the proviso.

And the Senate agree to the same.

Amendment numbered 35: That the House recede from its disagreement to the amendment of the Senate numbered 35, and agree to the same with an amendment, as follows: In lieu of the matter inserted by said amendment insert the following:

"BITUMINOUS COAL DIVISION

"For the Bituminous Coal Division, fiscal year 1943, in carrying out the purposes of the Bituminous Coal Act of 1937, as amended (15 U. S. C. 828-849), as further amended by the Act of April 24, 1943 (Public Law 40), and as further amended, to be supplemental to and merged with the appropriation under this head in the Interior Department Appropriation Act, 1943, and to be available for the same objects of expenditure, \$700,000, to continue available during the fiscal year 1944."

And the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 5, 8, 37, 41, 60, and 61.

CLARENCE CANNON,
LOUIS LUDLOW,
EMMET O'NEAL,
LOUIS C. RABAUT,
JED JOHNSON,
JOHN TABER,
R. B. WIGGLESWORTH,

Managers on the part of the House.

KENNETH MCKELLAR,
CARL HAYDEN,
MILLARD E. TYDINGS,
R. B. RUSSELL,
GERALD P. NYE,
H. C. LODGE, JR.,

Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Nos. 1, 2, and 3, relating to the Senate: Provides \$15,456 for payment of pages for the Senate Chamber and \$13,592 for the Senate restaurants, all as proposed by the Senate.

No. 4: Appropriates \$10,600 for Capitol Buildings under the Architect of the Capitol, as proposed by the Senate.

Nos. 6 and 7, relating to the War Production Board: Appropriates \$4,497,000, instead of \$4,597,000 as proposed by the Senate and \$4,363,000 as proposed by the House and in so doing eliminates \$100,000 proposed by the Senate for work during part of the month of June to increase lumber production and fixes the limitation for printing and binding at \$834,000 as proposed by the Senate instead of \$700,000 as proposed by the House.

No. 9: Appropriates \$16,000 as proposed by the Senate for the Office of Bituminous Coal Consumers' Counsel, which office was extended until August 24, 1943, by the act of May 24, 1943, and eliminates the proviso attached to the appropriation making availability of the amount contingent upon the enactment of the new law.

Nos. 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, and

33, relating to the District of Columbia: Appropriates \$4,000 for postage; \$1,675 for judicial expenses; \$108.40 for general advertising, fiscal year 1941; \$8,200 for printing and binding; \$35,000 for refund of erroneous collections; \$3,472.39 for payment to Joseph Sharf-sin; \$28,500 for maintenance expenses of the Tuberculosis Sanatoria; \$5,464.14 for salaries for municipal court employees; \$6,036.58 for support of convicts; \$4,562 for support of boys in the National Training School for Boys; \$4,500 for deportation of nonresident insane; \$453.12 for the militia, fiscal year 1941; \$2,152.54 for settlement of claims and suits; \$11,418.75 for judgments against the District; \$1,037.94 for audited claims, fiscal year 1940 and prior years; \$589,093 for temporary increase in compensation under the act of April 1, 1943, for employees of the District of Columbia; \$468.19 for expenses of the Department of Vehicles and Traffic, fiscal year 1941; \$7,426.65 for refund of paving assessments under the act of April 23, 1924, as amended; and \$174,763 for operation of the Washington Aqueduct; all as proposed by the Senate.

Nos. 34 and 35: Appropriates \$700,000, instead of \$800,000 as proposed by the Senate, for salaries and expenses of the Bituminous Coal Division until August 24, 1943, under the act of May 24, 1943, and eliminates the proviso attached to the appropriation making availability thereof contingent upon the enactment of the new law.

No. 36: Appropriates \$20,000 for maintenance of the Wapato irrigation and drainage system, Yakima Reservation, Wash., under the Bureau of Indian Affairs, as proposed by the Senate.

Nos. 38, 39, and 40, relating to the government of the Virgin Islands: Appropriates \$7,000 for salaries and expenses, government of the Virgin Islands, and \$2,100 for salaries and expenses, agricultural experiment station and vocational school, Virgin Islands, all as proposed by the Senate.

No. 42: Increases the limitation of \$19,950 on the amount expendable for the fiscal year 1943 for administrative expenses, Puer-to Rican hurricane relief, to \$22,350, as proposed by the Senate.

Nos. 43, 44, 45, 46, 47, 48, 49, 50, and 51, relating to the Post Office Department: Appropriates \$8,600 for clerks, division headquarters, Office of the Chief Inspector; \$14,000 for Star Route Service, fiscal year 1942; \$5,375,000 for Railway Mail Service; \$375,000 for railway postal clerks, travel allowance; \$3,000 for Railway Mail Service, traveling expenses; \$192,541 for the fiscal year 1941, and \$327,891 for the fiscal year 1942, for domestic air-mail service; and \$110,000, fiscal year 1942, and \$660,000, fiscal year 1943, for indemnities, domestic mail; all as proposed by the Senate.

Nos. 52 and 56: Transfers the appropriation of \$44,800 out of the Soldiers' Home trust fund for payment of overtime compensation from the applicability of the Overtime War Compensation Act, 1943, and makes payment subject to the regulation of the board of commissioners of the National Soldiers' Home.

Nos. 53, 54, 55, 57, and 58, relating to war overtime pay and other compensation increases: Appropriates \$28,700, as proposed by the Senate, instead of \$22,700, as proposed by the House, for Freedmen's Hospital; appropriates \$10,000 for foreign quarantine service, Public Health Service, as proposed by the Senate, and corrects applicable totals.

No. 59: Restores the language of the House bill, stricken out by the Senate, providing that for the purposes of the general citizenship requirements of section 302 an affidavit signed by any concerned person shall be considered prima facie evidence that the requirements of the section with respect to the status of such person have been complied with.

AMENDMENTS REPORTED IN DISAGREEMENT

The following amendments of the Senate are reported in disagreement:

No. 5: Relating to the President's emergency fund.

No. 8: Increasing for the fiscal year 1943 to \$294,430 the amount that may be used by the War Shipping Administration for traveling expenses. House managers will move to recede and concur.

No. 37: Appropriating \$400,000 to enable the Geological Survey to meet obligations incurred by it arising from cooperative work pending reimbursement. House managers will move to recede and concur.

No. 41: Appropriating \$45,000 for defraying deficits in treasuries of municipal governments, Virgin Islands. House managers will move to recede and concur.

Nos. 60 and 61: Relating to the employment of Goodwin B. Watson, William E. Dodd, Jr., and Robert Morris Lovett. House managers will move to insist on House amendments.

CLARENCE CANNON,
LOUIS LUDLOW,
EMMET O'NEAL,
LOUIS C. RABAUT,
JED JOHNSON,
JOHN TABER,
R. B. WIGGLESWORTH,

Managers on the part of the House.

Mr. CANNON of Missouri. Mr. Speaker, the amount carried by this bill as it passed the House was \$134,096,279.86. When it reached the Senate, the Senate added amendments aggregating \$9,534,311.70, so that the bill went to conference providing appropriations totaling \$143,430,591.56.

In conference the Senate receded from \$200,000 of the \$9,534,311.70 and the House agreed to the remaining \$9,334,311.70 proposed by the Senate.

Six amendments remain in disagreement, and will be taken up in their order as soon as the conference report is disposed of. The first relates to limitation of the President's emergency fund and will doubtless occasion some discussion. The remaining five are of minor importance—with the possible exception of the last, dealing with the provision relating to Messrs Watson, Dodd, and Lovett, reported by the Kerr committee—and will require little, if any, debate.

Mr. TABER. Mr. Speaker, will the gentleman yield?

Mr. CANNON of Missouri. I yield to the gentleman from New York.

Mr. TABER. The conference report is unanimous on the part of the conferees?

Mr. CANNON of Missouri. The conference report has the unanimous approval of all House conferees on both sides of the aisle.

Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

The SPEAKER. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Amendment No. 5: Page 3, line 16, strike out "Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for the National Resources Planning Board or the Farm Security Administration or for any of the functions of either said Board or said Administration", and

insert "Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for any of the functions of any agency of Government for which appropriations have been duly made by the Congress, or for the functions of any agency for which estimates have been submitted by the Budget and for which the Congress has failed to make appropriations: Provided further, That this limitation shall not apply to allotments or allocations made to the War Department or the Navy Department."

Mr. CANNON of Missouri. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. CANNON of Missouri moves that the House recede from its disagreement to Senate amendment No. 5 and agree to the same with an amendment as follows: Omit all of the matter stricken out and all of the matter inserted by such amendment.

Mr. TABER. Mr. Speaker, a preferential motion. I move that the House recede and concur in the Senate amendment.

Mr. CANNON of Missouri. Mr. Speaker, I ask for a division of that motion.

The SPEAKER. The question is, Will the House recede from its disagreement to Senate amendment No. 5?

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 128, noes 0.

So the motion to recede was agreed to.

Mr. CANNON of Missouri. Mr. Speaker, I move to concur in the Senate amendment with an amendment.

The Clerk read as follows:

Mr. CANNON of Missouri moves to concur in the Senate amendment with an amendment as follows: Omit all of the matter stricken out and all of the matter inserted by such amendment.

Mr. TABER. Mr. Speaker, I demand a second on that motion.

Mr. CANNON of Missouri. Mr. Speaker, I move the previous question on my motion.

Mr. TABER. I demand a second on that, Mr. Speaker.

The SPEAKER. On what does the gentleman demand a second?

Mr. TABER. On the motion for the previous question.

Mr. CANNON of Missouri. Mr. Speaker, we have 20 minutes on a side. I have moved the previous question. Therefore, when the gentleman demands a second, we have 20 minutes on a side.

The SPEAKER. The previous question must be ordered before any time at all is fixed.

The question is on the motion for the previous question.

The question was taken; and on a division (demanded by Mr. TABER) there were—ayes 43, noes 111.

So the motion for the previous question was rejected.

Mr. TABER. Mr. Speaker, I offer a substitute for the motion offered by the gentleman from Missouri.

The Clerk read as follows:

Mr. TABER moves to substitute for the Cannon amendment an amendment as follows: Add to the language of the Senate amendment No. 5 the following: "or the Depart-

ment of State or the Office of Strategic Services."

Mr. TABER. On that motion I move the previous question, Mr. Speaker.

The previous question was ordered.

The SPEAKER. Does the gentleman desire 20 minutes of debate on each side now?

Mr. CANNON of Missouri. Mr. Speaker, I demand a second.

The SPEAKER. The gentleman from Missouri is recognized for 20 minutes.

Mr. CANNON of Missouri. Mr. Speaker, the man who left his impress on human institutions more indelibly than any other man who ever lived, expressed his life policy in a single sentence, "This one thing I do."

Likewise the American people have today one dominant purpose—to win the war; to win it as quickly and win it as cheaply as it can be won—but to win the war. Anything that interferes with that purpose, and anything that does not contribute to that purpose, has no place today in the national program or in this legislation.

Judged by that standard, the proposal presented by the substitute amendment of the gentleman from New York is not in harmony with the war program. It will contribute nothing to the winning of the war. On the contrary, it will seriously interfere with the prompt and successful prosecution of the war.

Let us examine the amendment and its effect if agreed to. What does the amendment involve? When this bill first came to the floor it carried an appropriation for the President's emergency fund. The President's emergency fund is a vital part of the war program. Such funds have been provided in every war fought by the United States. Always in time of war we have made provision for an emergency fund to be handled secretly at the discretion of the Commander in Chief. Obviously we cannot notify Berlin and Tokyo as to our plans, what expenditures we are making, or what we are buying with the money. It is, therefore, indispensable that a secret fund be available under the control of the President which he can use at any time in any emergency and without restrictions. Such a fund was made available to President McKinley in the Spanish-American War. Such a fund was provided for President Wilson in the World War. And on each occasion it was appropriated by Congress without any limitation whatever.

In keeping with that precedent, and in conformity with the needs of modern warfare, the committee in originally reporting this bill to the House, and in response to a recommendation by the Bureau of the Budget, included an amount for the President's emergency fund. It was precisely the same appropriation—although in smaller amount—which had been made for McKinley and Wilson.

But when the bill came to the floor—contrary to the recommendation of the Committee on Appropriations; contrary to the recommendation of its subcommittee; contrary to the recommendation

of the members in charge of the bill—an amendment was offered to limit the President's control of the fund.

The amendment was adroitly worded. It named two purposes of expenditure against which there was great prejudice and for which appropriations had been previously denied. It denied the President the right to expend any of this fund for the National Planning Board, or for Farm Security, although there was no thought of using it for either purpose and, now, no possibility under the law of expending any of it for either purpose.

Now let it be said again, as it was said before, that the issue before us, neither at the time nor now, is the National Planning Board or Farm Security.

I approve of appropriations for both purposes, as I stated at that time and as I state now. But regardless of how ardently I or anybody else may desire it, not a dollar can be taken from the President's fund for either purpose or the simple reason that in other legislation, diversions from the President's emergency fund for the Planning Board and Farm Security have been expressly prohibited. The House denied funds for the National Resources Planning Board in the independent offices appropriation bill and the Senate restored them and denied supplementary funds from any other source, which, of course, included the President's emergency fund. The House denied funds for farm security in the agricultural appropriation bill and the Senate restored them and denied supplementary funds from any other source, which, of course, included the President's emergency fund. So an amendment to this bill denying funds for either the Planning Board or Farm Security from the President's emergency fund is futile and superfluous on the face of it.

Nor is there occasion for anxiety about any of the other prohibitions set out in the pending substitute amendment. They are offered in the same spirit which prompted the amendment against the Planning Board and Farm Security. That is not the issue raised by this amendment. That is not the purport of this amendment. The purport of this amendment is to register lack of confidence in the Commander in Chief of the Army and Navy who has control of this secret fund. The purpose is to suggest that he cannot be trusted to spend it for patriotic purposes; that he will divert money from this fund to purposes not in keeping with the war program.

Now, I ask you if such an amendment, an amendment casting aspersions on the Commander in Chief and notifying the Nation at home, and our allies and enemies abroad, that the Congress has lost confidence in the integrity and patriotism of the President in his prosecution of the war—I ask you if such an amendment will contribute in this national crisis to the winning of the war? Will we be nearer to success in the war if this doubting-Thomas amendment is agreed to than if it is disagreed to? That is the issue on which you are voting in

disposing of this amendment. There can be no other issue.

I have no objection to criticism of the President. That is a God-given right guaranteed by the Constitution of the United States. That is a right for which we are fighting in this war. But this amendment expressing lack of confidence in the President is more than criticism. It charges design to divert vital war funds from the prosecution of the war. It charges maladministration which would be ground for impeachment. Will an amendment implying such charges help win the war—will such an amendment help America in this hour of need?

But this amendment is more than an expression of lack of confidence. It amounts to a prohibition of the use of the emergency fund. And I quote the highest authority to that effect, a letter just received from the Director of the Bureau of the Budget.

The letter which is directed at the Senate amendment, but which applies even more forcibly to the pending substitute amendment, is as follows:

MAY 31, 1943.

HON. CLARENCE CANNON,
House of Representatives,
Washington, D. C.

MY DEAR MR. CANNON: I wish to call your attention to the action of the Senate in amending the provision in the urgent deficiency bill relating to the President's fund. This amendment reads:

"Provided, That no part of the funds continued available by this paragraph shall be allotted to or expended for any of the functions of any agency of Government for which appropriations have been duly made by the Congress, or for the functions of any agency for which estimates have been submitted by the Bureau of the Budget and for which the Congress has failed to make appropriations: *Provided further*, That this limitation shall not apply to allotments or allocations made to the War Department or the Navy Department."

The effect of this amendment is to so hamper and restrict the President in his use of these funds that they would be of very little value to him and would not at all serve the purpose for which Congress established the funds.

This amendment would forbid the allotment or expenditure of funds for any agency of the Government for which Congress has made appropriations, excepting the War and Navy Departments. It would prevent the allocation of funds for any agency for which estimates had been submitted by the Bureau of the Budget and for which Congress had failed to make appropriations. This would seem to contradict the language of the appropriations for the President's fund which provides:

"To enable the President, through appropriate agencies of the Government, to provide for emergencies affecting the national security and defense and for each and every purpose connected therewith, and to make all necessary expenditures incident thereto for any purpose for which the Congress has previously made appropriation or authorization" (Public, No. 673, 77th Cong.).

It is not quite clear to me for just what functions or purposes this appropriation would be available in 1944. Certainly no agency that has an appropriation or for which an estimate has been submitted and Congress has failed to make an appropriation would be eligible for an allocation of funds. There are, or will be by 1944, practically no agencies of Government not covered by these

two categories. The only way in which this allocation can be spent is to create a new agency or to make an allocation to the Army or Navy. Since the Chief of Staff now has a discretionary fund at his disposal which is both larger and less restricted than the authority granted to the President, it hardly seems likely that future allocations of any importance will be made to the War Department.

You may recall our correspondence in connection with the Mexican railroad project in the Office of Coordinator of Inter-American Affairs in which you and the committee agreed that the project should continue to be financed by allocation from the President's emergency fund up to the total amount of \$7,500,000. It is my understanding that the amendment would prohibit the obligation or expenditure of any part of this allocation after the date of enactment of the bill because this is a function of the Office of the Coordinator, an "agency of Government for which appropriations have been duly made by Congress." Similar situations would arise with most of the allocations now in force because following the language of the appropriation, the funds have been allocated for expenditure "through appropriate agencies of Government."

As was stated in the hearings before your committee, about \$12,500,000 were allocated in the first 4 months of this fiscal year, \$10,500,000 of which were to the State Department for confidential purposes, and the remainder for purposes and reasons which were set forth in a supplementary memorandum to your committee. This does not seem to me to constitute any abuse of the authority lodged in the President, nor indicate any necessity for the restrictions on the use of the fund involved in the Senate amendment.

I strongly urge that in the conference with the Senate you insist upon the elimination of this item since the restriction is unnecessary and destroys the effectiveness of the fund.

Very truly yours,

WAYNE COY,
Acting Director.

Mr. Speaker, Pizarro with his sword drew a line in the sand and invited all those who would go forward to step across the line. And those who stepped forward won a new world. We draw a line on this amendment and invite all who are solely interested in winning the war to cast a forward looking vote—a vote that will defend and preserve the New World.

The SPEAKER. The gentleman from Missouri has consumed 20 minutes.

Mr. LUDLOW. Mr. Speaker, I hope the House will not vote for the substitute without a full understanding of its meaning and implications.

I hope the House in this time of war, when the very life of our Nation is at stake, will not vote to put the Commander in Chief of the Army and Navy in a strait jacket, as far as the use of emergency funds is concerned. I believe it is true that Congress has given the President entirely too many blank checks in years past. I am against every form of blank-check appropriation that is not related to the war and I hope Congress will not give any more blank checks. The only kind of blank check for which there is any justification, in my opinion, is the President's emergency fund.

Most of this fund is used through the State Department to finance highly confidential and secret activities which by

their nature cannot be divulged but which are very important toward winning victory for us and our allies.

To say that President Roosevelt shall be denied in the greatest of all wars the use of an emergency fund which other war Presidents have had and which they have found very useful, is to my mind unthinkable. In the Spanish-American War Congress gave President McKinley an emergency fund of \$50,000,000 and provided that this grant was to be "for national security and defense and for each and every purpose connected therewith, to be expended in the discretion of the President."

When the World War broke out Congress gave President Wilson an emergency fund of \$100,000,000 to be expended by him with the same plenary authority that was conveyed in the former statute granting an emergency fund to President McKinley. Later in World War No. 1 President Wilson's emergency fund was increased by \$50,000,000. The wars in which Presidents McKinley and Wilson led us were pigmies compared with the titanic struggle in which we are now involved. With free institutions tumbling to destruction all around the world and with the flower of our young manhood engulfed in the bloodiest war of all times, are we going to reverse these historic precedents and deny to President Roosevelt the use of an emergency fund which other Presidents have employed to advantage in the most crucial periods of our Nation's history?

Under the language of the Senate amendment the President's emergency fund would be nullified as far as useful activities connected with winning the war are concerned but it could be used for other purposes for which Congress has not given its approval. For instance, as a possible case, if Congress should decide against appropriating any money to evacuate American nationals from Turkey, on the ground that they were in no danger, and then Turkey should be sucked into the war, the President could not use any part of his emergency fund to evacuate our nationals even though by the new and unexpected turn of affairs they might be brought into the gravest danger.

On the other hand, under the language of the Senate amendment, the President could use his emergency fund to build the Florida ship canal because the Florida ship canal has been authorized but not appropriated for, and no Budget estimate has been submitted to Congress for it.

The Senate amendment, while putting hobbles and handicaps on the President, concludes with an anomalous grant of authority which enables him to make allocations from the fund to the War Department. The irony of this lies in the fact that the Chief of Staff already has an emergency fund to be spent in his discretion amounting to \$125,000,000 while the balance in the President's emergency fund amounts to only \$39,000,000. It ought to be obvious that there is no need of a transfer of money from the President's emergency fund to the emergency fund of the Chief of Staff.

In former wars there was no report of emergency fund expenditures until after the war was over. After World War No. 1 a Republican Congress made an issue of the delay in reporting and it was long after the war when President Wilson submitted a report. President Roosevelt is taking Congress into his confidence with as complete contemporaneous reports as can be made and these are being printed and made public in our committee hearings.

If the language of the Senate amendment is adopted we might just as well repeal the President's emergency fund. All of the activities for which it was created will be strangled by that amendment.

Mr. TABER. Mr. Speaker, I yield myself 10 minutes.

Mr. ANDREWS. Mr. Speaker, will the gentleman yield for a brief question?

Mr. TABER. I yield.

Mr. ANDREWS. Would the gentleman be good enough to explain the import of his inclusion of strategic services in this amendment?

Mr. TABER. It is an independent agency set up by an Executive order and is not directly a part of either the War Department or the Navy Department. It is one of the things that might perhaps require funds of an emergency character that might possibly be needed for the carrying on of our war effort.

Mr. ANDREWS. Will the gentleman yield further?

Mr. TABER. I yield.

Mr. ANDREWS. Then the point of view brought forth by the gentleman from Missouri [Mr. CANNON], in that connection is not correct, and your amendment would be helpful to the Office of Strategic Services?

Mr. TABER. My amendment would permit the emergency fund of the President, which presently consists of about \$90,000,000, to be allotted either to the War Department, the Navy Department, the State Department—which has very many unusual functions in these days—or to the Office of Strategic Services. The Senate amendment would not permit of any allotment to any set-up, as I understand it, outside of the War and Navy Departments. The Senate approved that amendment unanimously.

The reason why these restrictions have come up from time to time is this: The President has on occasions allocated large sums of money for things that were not necessary, that did not contribute to the war effort, like the St. Lawrence waterway proposition, which manifestly was not something that was a part of the war effort.

The previous amendments that the House has placed upon the language of the President's fund resulted in this: That allotments might be made for any purpose for which the Congress had previously made appropriations or granted authorizations. Under that no allotments can be made for anything unless previous appropriations or authorizations had been made by the Congress of the United States.

This amendment of the Senate goes further, and it was adopted by the Senate Appropriations Committee, according to

my understanding, unanimously, and by the Senate without a dissenting voice, so that restrictions might be placed on that fund, so that it could only be used for effective war purposes. You and I, all of us, want to see this war carried on in the very best possible way and in the most effective way, and we do not want to have a lot of money wasted or spent or allotted for things that the Congress did not appropriate for.

Mr. KEEFE. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Wisconsin.

Mr. KEEFE. Is it not a fact that Congress refused to appropriate money to build this Office of Information building for which \$625,000 was requested, and is it not also true it was built and paid for in defiance of the express will of the Congress out of the President's emergency fund?

Mr. TABER. The gentleman is correct, with the exception that he calls it a building. It is a monstrosity.

It is about time that that sort of monstrosity was stopped, and it is about time that we spoke out and that we helped the President to go along with the war effort by giving him the authority that he needs and by giving him no further authority.

I offered the amendment in the House which prevented an allotment to the National Resources Planning Board or to the Farm Security Administration, because I felt that those two agencies did not help the war effort and were not helpful in the war effort, and with that very thing in mind I go along with the Senate to adopt the limitation that they have placed upon this bill. There can be no possible interference with the war effort, no possible failure as a result of the adoption of my substitute for the amendment offered by the gentleman from Missouri [Mr. CANNON]. He would wipe out the restrictions the House placed in the bill, and he would give to the President the appropriating power and the authorization instead of reserving it to the Congress, as it should be reserved.

I am asking the Congress to do everything it can do for the war effort, and at the same time to reserve to itself the appropriating power. I want to see the war effort carried on effectively and efficiently; we all do. But everytime a move is made where funds of the United States are wasted on something else, or something that does not contribute to the war effort, we are interfering with and blocking the war effort.

Mr. O'NEAL. Mr. Speaker, will the gentleman yield?

Mr. TABER. I yield to the gentleman from Kentucky.

Mr. O'NEAL. The amendment offered by the gentleman from New York would limit the use of this money to four agencies alone, and, of course, we know there are many more agencies. If the amendment prevails there still remains the Maritime Commission, the War Production Board, the Bureau of Ships, the F. B. I., the Selective Service, and the other agencies that would not fall under the amendment.

Mr. TABER. The gentleman is correct. The money for the Maritime Commission has been appropriated and it has on hand upward of \$4,000,000,000 of available funds. Every other agency that is really working effectively for the war effort has been given liberal appropriations, and there is no agency where any emergency funds might be required or might be necessary beyond the range of these four that I have named, and where I can conceive that such agencies should not come to the Congress of the United States and ask for the appropriation of funds.

If we do not maintain a decent respect for the proper appropriation of funds, if we do not do the things which prohibit abuse of Executive authority, if we do not stop turning over to the Executive the appropriating powers of the Congress, we are going to contribute to losing the war, and I do not believe that any man of this House or any woman of this House wants to be in that position. I hope that my substitute will be adopted.

The SPEAKER. The question is on agreeing to the substitute amendment offered by the gentleman from New York [Mr. TABER].

The question was taken; and on a division (demanded by Mr. CANNON of Missouri) there were—ayes 145, noes 86.

Mr. CANNON of Missouri. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 205, nays 139, not voting 87, as follows:

[Roll No. 94]

YEAS—205

Abernethy	Elsworth	Johnson,
Allen, Ill.	Eimer	Calvin D.
Andersen,	Elston, Ohio	Johnson, Ind.
H. Carl	Engel	Johnson,
Anderson, Calif.	Fellows	J. Leroy
Andresen,	Fenton	Johnson, Ward
August H.	Fish	Jones
Andrews	Gale	Jonkman
Angell	Gallagher	Judd
Arends	Gamble	Kean
Arnold	Gathings	Kearney
Auchincloss	Gavin	Keefe
Baldwin, Md.	Gearhart	Kilburn
Baldwin, N. Y.	Gerlach	Kilday
Barrett	Gifford	Kinzer
Bates, Mass.	Gilchrist	Kieberg
Beall	Gillette	Knutson
Bender	Gillie	Kunkel
Bennett, Mich.	Goodwin	LaFollette
Bennett, Mo.	Graham	Lambertson
Bishop	Grant, Ind.	Landis
Blackney	Griffiths	Lanham
Bolton	Gwynne	Lea
Brown, Ohio	Hale	Lenke
Buffett	Hall	Lewis, Ohio
Busbey	Edwin Arthur	Luce
Butler	Hall,	McCowan
Canfield	Leonard W.	McGregor
Carlson, Kans.	Halleck	McKenzie
Carson, Ohio	Hancock	McLean
Carter	Harness, Ind.	McWilliams
Case	Harris, Va.	Maas
Chapman	Hart	Mansfield, Tex.
Chlperfield	Hartley	Martin, Iowa
Church	Hébert	Martin, Mass.
Ciason	Heidinger	Mason
Clevenger	Herter	May
Cole, Mo.	Hess	Michener
Compton	Hill	Miller, Conn.
Cunningham	Hinschaw	Miller, Mo.
Curtis	Hoeven	Miller, Nebr.
Day	Hoffman	Miller, Pa.
Dewey	Holmes, Wash.	Morrison, La.
Disney	Horan	Mott
Ditter	Howell	Mruk
Dondero	Hull	Murray, Wis.
Durham	Jeffrey	Norman
Dworshak	Jenkins	O'Hara
Elliott	Jennings	O'Konski
Ellis	Johnson,	Phillips
Ellison, Md.	Anton J.	Pittenger

Ploeser	Schwabe	Talle
Plumley	Scott	Tibbott
Poage	Shafer	Towe
Poulson	Short	Troutman
Powers	Simpson, Ill.	Vorys, Ohio
Ramey	Simpson, Pa.	Vursell
Reece, Tenn.	Smith, Maine	Wadsworth
Reed, Ill.	Smith, Ohio	Walter
Reed, N. Y.	Smith, Va.	Welch
Robertson	Smith, Wis.	West
Robison, Ky.	Springer	Wheat
Rockwell	Starnes, Ala.	Wigglesworth
Rodgers, Pa.	Stearns, N. H.	Willey
Rogers, Mass.	Stefan	Wilson
Rohrbough	Stevenson	Winter
Rolph	Stockman	Wolcott
Rowe	Summer, Ill.	Wolfenden, Pa.
Satterfield	Summers, Tex.	Wolverton, N. J.
Sauthoff	Sundstrom	Woodruff, Mich.
Schiffler	Taber	

NAYS—139

Allen, La.	Gregory	O'Connor
Anderson, N. Mex.	Hagen	O'Neal
Bates, Ky.	Hare	Outland
Beckworth	Harless, Ariz.	Pace
Bland	Harris, Ark.	Patman
Bloom	Hays	Patton
Bonner	Ho:bs	Peterson, Fla.
Boren	Hoch	Peterson, Ga.
Boykin	Izac	Price
Brooks	Jackson	Priest
Brown, Ga.	Jarman	Rabaut
Bryson	Johnson,	Ramspeck
Burchill, N. Y.	Luther A.	Randolph
Burdick	Kee	Rankin
Burgin	Kefauver	Richards
Byrne	Keogh	Rowan
Camp	Kerr	Sadowski
Cannon, Mo.	Kirwan	Schuetz
Celler	Klein	Sheppard
Clark	Lane	Sheridan
Coffee	Larcade	Sikes
Cooley	Lesinski	Slaughter
Cooper	Ludlow	Snyder
Courtney	McCord	Somers, N. Y.
Creal	McCormack	Sparkman
Crosser	McMillan	Spence
Curley	McMurray	Stewart
D'Alesandro	Madden	Sullivan
Davis	Magnuson	Tarver
Delaney	Mahon	Thomas, Tex.
Dickstein	Maloney	Thomason
Dilweg	Manasco	Vincent, Ky.
Dingeil	Mansfield,	Voorhis, Calif.
Fay	Mont.	Ward
Fernandez	Marcantonio	Wastelowski
Fisher	Merritt	Weaver
Flannagan	Mills	Weiss
Folger	Monroney	Wene
Forand	Morrison, N. C.	Whitten
Ford	Murdock	Whittington
Fulbright	Murphy	Wickersham
Gordon	Murray, Tenn.	Winstead
Gore	Myers	Woodrum, Va.
Gorski	Norrell	Worley
Gossett	Norton	Wright
Granger	O'Brien, Ill.	Zimmerman
Green	O'Brien, Mich.	

NOT VOTING—87

Barden	Feighan	O'Brien, N. Y.
Barry	Fitzpatrick	O'Leary
Bell	Fogarty	O'Toole
Bradley, Mich.	Fulmer	Pfeifer
Bradley, Pa.	Furlong	Philbin
Brehm	Gavagan	Pracht
Euckley	Gibson	Rees, Kans.
Bulwinkle	Grant, Ala.	Rivers
Burch, Va.	Gross	Rizley
Cannon, Fla.	Heffernan	Robinson, Utah
Capozzoli	Hendricks	Rogers, Calif.
Chenoweth	Hollfield	Russell
Cochran	Holmes, Mass.	Sabath
Cole, N. Y.	Hope	Sasser
Colmer	Jensen	Scanlon
Costello	Johnson,	Smith, W. Va.
Cox	Lyndon B.	Stanley
Cravens	Johnson, Okla.	Steagall
Crawford	Kelley	Talbot
Culkin	Kennedy	Taylor
Cullen	King	Thomas, N. J.
Dawson	LeCompte	Tolan
Dies	LeFevre	Treadway
Dirksen	McGehee	Van Zandt
Domengeaux	McGranery	Vinson, Ga.
Doughton	Morrow	Welchel, Ohio
Douglas	Monkiewicz	Welchel, Ga.
Drewry	Mundt	White
Eaton	Newsome	
Eberharter	Nichols	

So the substitute was agreed to.

The Clerk announced the following pairs:

On this vote:
Mr. Dirksen for, with Mr. Vinson of Georgia against.

Mr. Eaton for, with Mr. Capozzoli against.
Mr. Thomas of New Jersey for, with Mr. King against.

Mr. O'Brien of New York for, with Mr. Cochran against.

Mr. Cole of New York for, with Mr. Robinson of Utah against.

Mr. LeFevre for, with Mr. Pfeifer against.

General pairs:

Mr. Steagall with Mr. Treadway.
Mr. Barry with Mr. Jensen.
Mr. McGehee with Mr. Culkin.
Mr. Heffernan with LeCompte.

Mr. Colmer with Mr. Welch of Ohio.
Mr. Buckley with Mr. Hartley.

Mr. Hollifield with Mr. Douglas.
Mr. Eberharter with Mr. Mundt.

Mr. O'Toole with Mr. Monkiewicz.
Mr. Costello with Mr. Pracht.

Mr. Newsome with Mr. Holmes of Massachusetts.

Mr. Gavagan with Mr. Stanley.
Mr. Smith of West Virginia with Mr. Rees of Kansas.

Mr. Cullen with Mr. Talbot.
Mr. Grant of Alabama with Mr. Hope.

Mr. Doughton with Mr. Van Zandt
Mr. Fitzpatrick with Mr. Taylor.

Mr. Cox with Mr. Chenoweth.
Mr. Kennedy with Mr. Bradley of Michigan.

Mr. Bell with Mr. Rizley.
Mr. Cravens with Mr. Crawford.

Mr. Drewry with Mr. Brehm.
Mr. Sasser with Mr. Merrow.

Mr. Hendricks with Mr. Gross.

Mr. ELLISON of Maryland changed his vote from "nay" to "yea."

The result of the vote was announced as above recorded.

The SPEAKER. The question recurs on the motion of the gentleman from Missouri as amended by the substitute. The motion was agreed to.

Mr. LUDLOW. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD at the conclusion of the speech just made by the gentleman from Missouri.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 8: Page 5, line 9:

"War Shipping Administration: Notwithstanding the provisions of section 203 of the First Supplemental National Defense Appropriation Act, 1943 (Public Law 678), the Office for Emergency Management, War Shipping Administration, may expend during the fiscal year 1943 not to exceed \$294,430 for travel."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 8 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 37: Page 16, line 16, insert as follows:

"GEOLOGICAL SURVEY

"To enable the Geological Survey to meet obligations incurred by it arising from cooperative work pending reimbursement from cooperating agencies in accordance with the provisions of the act of February 27, 1925 (43 U. S. C. 39, 40); May 10, 1926, as amended (43 U. S. C. 48); June 17, 1935 (43 U. S. C. 49); March 4, 1915, as amended (31 U. S. C. 686); and July 2, 1943 (56 Stat. 537-539), fiscal year 1943, \$400,000, which amount shall be placed to the credit of the 1943 appropriation account of the Geological Survey: *Provided*, That there shall be returned to the Treasury not later than 6 months after the close of the fiscal year 1943 out of reimbursements received from cooperating agencies an amount equal to the sum herein appropriated."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 41: Page 17, line 18:

"Defraying deficits in treasuries of municipal governments, Virgin Islands: For an additional amount, fiscal year 1943, for defraying the deficit in the treasury of the municipal government of St. Croix because of the excess of current expenses over current revenues for the fiscal year 1943 (56 Stat. 560), \$45,000."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

"GEOLOGICAL SURVEY

"To enable the Geological Survey to meet obligations incurred by it arising from cooperative work pending reimbursement from cooperating agencies in accordance with the provisions of the act of February 27, 1925 (43 U. S. C. 39, 40); May 10, 1926, as amended (43 U. S. C. 48); June 17, 1935 (43 U. S. C. 49); March 4, 1915, as amended (31 U. S. C. 686); and July 2, 1943 (56 Stat. 537-539), fiscal year 1943, \$400,000, which amount shall be placed to the credit of the 1943 appropriation account of the Geological Survey: *Provided*, That there shall be returned to the Treasury not later than 6 months after the close of the fiscal year 1943 out of reimbursements received from cooperating agencies an amount equal to the sum herein appropriated."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 37 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 41: Page 17, line 18:

"Defraying deficits in treasuries of municipal governments, Virgin Islands: For an additional amount, fiscal year 1943, for defraying the deficit in the treasury of the municipal government of St. Croix because of the excess of current expenses over current revenues for the fiscal year 1943 (56 Stat. 560), \$45,000."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House recede from its disagreement to the amendment of the Senate numbered 41 and concur in the same.

The motion was agreed to.

The SPEAKER. The Clerk will report the next amendment in disagreement.

The Clerk read as follows:

Amendment No. 60: Page 48, line 19, strike out all of line 19 and the balance of page 48 and strike out lines 1 to 9, inclusive, on page 49.

Amendment No. 61: Page 49, line 10, strike out "305" and insert "304."

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that amendments numbered 60 and 61 be considered simultaneously, as they relate to the same matter.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

The SPEAKER. The Clerk will report Senate amendments numbered 60 and 61.

The Clerk read as follows:

Amendment No. 60: Page 48, line 19, strike out all of line 19 and the balance of page 48 and strike out lines 1 to 9, inclusive, on page 49.

Amendment No. 61: Page 49, line 10, strike out "305" and insert "304."

Mr. CANNON of Missouri. Mr. Speaker, I move that the House insist on its disagreement to the amendments of the Senate numbered 60 and 61.

Mr. HOBBS. Mr. Speaker, as a substitute I move that the House recede and concur in Senate amendment numbered 60 with an amendment, which I sent to the Clerk's desk.

Mr. TABER. Mr. Speaker, a motion to recede and concur with an amendment is not in order.

The SPEAKER. Will the gentleman state the reason?

Mr. TABER. That has been the ruling right along as I have understood it.

The SPEAKER. The motion has not been reported yet. The Clerk will report the motion.

Mr. TABER. I beg pardon.

The SPEAKER. The Clerk will report the motion offered by the gentleman from Alabama [Mr. HOBBS].

The Clerk read as follows:

Mr. HOBBS moves that the House recede and concur in the Senate amendment No. 60, with an amendment as follows: Substitute in lieu of the Kerr or committee amendment stricken by the Senate amendment No. 60, the following:

"SECTION 304

"1. It shall be unlawful for any person to be employed in any capacity, in any department or agency of the Government of the United States created by or by virtue of an act of Congress, whose compensation is paid from funds authorized or appropriated by any act of Congress, who has engaged in activity subversive of the Government of the United States.

"2. It shall be unlawful for any person to be employed in any capacity, in any department or agency of the Government of the United States created by or by virtue of an act of Congress, whose compensation is paid from funds authorized or appropriated by any act of Congress who has been a member of or associated with any organization, any part of the aims or purposes of which is or has been subversive of the Government of the United States.

"3. It shall be unlawful for any person employed in any capacity, in any department or agency of the Government of the United States, created by or by virtue of an act of Congress, whose compensation or any part thereof is paid from funds authorized or appropriated by any act of Congress, to have membership in or association with any organization, any part of the aims or purposes of which is or has been subversive of the Government of the United States.

"4. Any person who may have been or may be employed in violation of section 1, 2, or 3 hereof shall be immediately removed from such employment, and thereafter no part of the funds appropriated by any act of Congress shall be used to pay the salary or other compensation of any such person.

"5. Any person who is the head or acting head of personnel procurement for any department or agency of the Government of the United States created by or by virtue of an act of Congress, in which any person may have been employed in violation of section 1 or 2 hereof, or any other officer responsible for employment of any person in violation of section 1 or 2 hereof, or any officer who permits any employee to continue in employment in violation of section 3 hereof, if he knew, or by the exercise of reasonable diligence could have known of such violation of section 3 hereof, shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress shall be used to pay the salary or other compensation of such officer.

"6. It shall be unlawful for any person to accept employment in any capacity in any department or agency of the Government of the United States created by or by virtue of an act of Congress, whose compensation or any part thereof is paid from funds authorized or appropriated by any act of Congress, if he be ineligible therefor under sections 1 and 2 hereof.

"7. Any person who may have been employed in violation of sections 1 and 2 hereof and who shall remain in such employment after this act shall have become a law shall be guilty of a high crime and misdemeanor,

and thereafter no part of the funds appropriated by any act of Congress shall be used to pay his salary or other compensation.

"8. That the phrase 'subversive of the Government of the United States' as used in this act shall mean any act or conduct, membership, or association, or advocacy of principle or doctrine inimical to the Government of the United States or the tendency or which is to undermine any of the institutions or to distort any of the functions or to impede any of the projects or to lessen any of the efforts of the Government of the United States; whether any such subversive influence exerted or sought to be exerted be open or direct or subtle or indirect, whether such subversive activity may have been by spoken or written words or by acts or conduct, and whether or not such subversive activity produced subversive result.

"9. Any person who violates any of the foregoing provisions of this act, upon conviction thereof, shall be fined not more than \$1,000 or be imprisoned for not more than 2 years, or both."

Mr. CANNON of Missouri. Mr. Speaker, I make a point of order that the amendment is not in order; first, because it is legislation on an appropriation bill; and second, because it is not germane.

Mr. HOBBS. Mr. Speaker, I would like to be heard on the point of order.

The SPEAKER. The Chair will hear the gentleman on the point of order.

Mr. HOBBS. Mr. Speaker, this would take the place of and is offered as a substitute for the so-called Kerr or committee amendment. The Kerr or committee amendment, or any other legislation of that character, is made in order by the proviso of House Resolution 105 which was duly and legally adopted by this House. Therefore, if the House should decide to substitute this amendment, which has just been read, for and in lieu of the Kerr amendment it would be perfectly in order.

It is germane because it deals with the same identical subject matter which is covered by the Kerr amendment. The Kerr amendment deals, it is true, with only three named persons, but this sets up the same standard, only more rigorous, which was sought to be set up in the Kerr amendment. It accomplishes the same purpose that the Kerr amendment was designed to cover as to three men, for all in the Government employ in departments or agencies created by or by virtue of an act of Congress whose salaries are paid from funds authorized or appropriated by Congress.

Therefore, Mr. Speaker, I maintain that on neither the ground of lack of germaneness, nor on the ground that it is legislation on an appropriation bill, is the point of order well taken. This simply seeks to do in a lawful way, within the province and power of the Congress, what the Kerr amendment seeks to do in an unconstitutional and illegal way. This will really work the will of Congress, and it includes the same identical subject matter which the Kerr amendment seeks to cover. The Kerr amendment differs from this substitute, insofar as germaneness is concerned, only in this: It named three men as the objects of its legislative wrath, whereas my substitute sets up a standard by which the eligibility of all in an indicated class must be judged and

requires that anyone whom the cap fits must wear it.

The modus operandi of the Kerr amendment is more direct than would be that under mine. But being direct is not a virtue if so we forget our oaths of office and assault the Constitution. Lynching is more direct than the execution of the death sentence imposed by the court in accordance with the verdict of the jury after a fair trial in a court of law. But none of us advocates lynching.

The SPEAKER. The Chair is ready to rule.

The gentleman from Missouri makes the point of order against the motion of the gentleman from Alabama, first, that it is legislation on an appropriation bill, and second, that it is not germane. The Chair in this instance will pass only on the germaneness of the motion of the gentleman from Alabama, because he does not deem it necessary to pass upon the other point.

The provision of the Senate amendment that the gentleman seeks to amend by his motion very definitely applies to three individuals and no more. The motion of the gentleman from Alabama would cover numberless people if numberless people came under the provisions of his motion. The language of the bill is specific. The language of the motion of the gentleman from Alabama is general. The Chair must, therefore, hold that the motion is not germane, and sustain the point of order.

Mr. HOBBS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the Record at this point and include therein quotations from the Supreme Court of the United States and other courts and from the Constitution, and to make certain citations of authority.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

Mr. HOBBS. Mr. Speaker, every Member of the House agrees 110 percent with all the tributes that have been paid to the Kerr committee. Beginning with the chairman and going through, there is not a single man on that committee who has not the love, respect, and admiration of this House. The same thing goes for the great Appropriations Committee, out of which this subcommittee was created.

No adverse criticism is due the Kerr committee, either because of the method employed in the conduct of the hearings held or of the conclusions reached in the reports they have made. These reports show judicial poise, fairness, and a sense of high responsibility in handling a delicate problem. The members of the Kerr committee heard the evidence, including the testimony of each man under investigation. They had the opportunity of observing the demeanor of each one of the accused. Their report to the House that Messrs. Watson, Dodd, and Lovett are unfit at this time for employment in the Federal Government is entitled to great weight in any balanced thinking on the subject. In my judgment the conclusions reached and reported are right.

THE ISSUE

But was that the issue presented by the amendment offered by the gentleman from North Carolina, Judge KERR—with the approval of the full Appropriations Committee—to the urgent deficiencies appropriation bill?

Certainly not.

The issue thus presented is whether or not the amendment offered to the urgent deficiencies appropriation bill should have been adopted. The amendment reads:

No part of any appropriation, allocation, or fund (1) which is made available under or pursuant to this act, or (2) which is now, or which is hereafter made, available under or pursuant to any other act, to any department, agency, or instrumentality of the United States, shall be used to pay any part of the salary, or other compensation for the personal services, of Goodwin B. Watson, William E. Dodd, Jr., and Robert Morss Lovett: *Provided*, That this section shall not operate to deprive any such person of payment for leaves of absence or salary, or of any refund or reimbursement, which have accrued prior to the date of the enactment of this act.

The sole and single question presented by this amendment was, Is such legislation within the power of Congress?

CREATION OF KERR COMMITTEE

House Resolution 105, adopted by the House on February 9, 1943, reads as follows:

Resolved, That the Committee on Appropriations, acting through a special subcommittee thereof appointed by the chairman of such committee for the purposes of this resolution, is authorized and directed to examine into any and all allegations or charges that certain persons in the employ of the several executive departments and other executive agencies are unfit to continue in such employment by reason of their present association or membership or past association or membership in or with organizations whose aims or purposes are or have been subversive to the Government of the United States. Such examination shall be pursued with the view of obtaining all available evidence bearing upon each particular case and reporting to the House the conclusions of the committee with respect to each such case in the light of the factual evidence obtained. Any legislation approved by the committee as a result of this resolution may be incorporated in any general or special appropriation measure emanating from such committee or may be offered as a committee amendment to any such measure notwithstanding the provisions of clause 2 of rule XXI.

For the purposes of this resolution, such committee or any subcommittee thereof is hereby authorized to sit and act during the present Congress at such times and places within the United States, whether the House is in session, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses, and the production of such books or papers or documents or vouchers by subpoena or otherwise, and to take such testimony and records as it deems necessary. Subpoenas may be issued over the signature of the chairman of the committee or subcommittee, or by any person designated by him, and shall be served by such person or persons as the chairman or the committee or subcommittee may designate. The chairman of the committee or subcommittee, or any member thereof, may administer oaths to witnesses.

On February 5, 1943, the gentleman from Florida [Mr. HENDRICKS] offered the following amendment to the Treasury Department appropriation bill:

Page 12, line 22, after the word "Treasury", strike out the period and insert a colon and the following: "*Provided further*, That no part of any appropriation contained in this act shall be used to pay the compensation of William Pickens, Frederick L. Schuman, Goodwin B. Watson, William E. Dodd, Jr., Paul R. Porter, John Herling, Paul F. Brissenden, David J. Sapos, Maurice Parmelee, Harold Loeb, Sam Schmerler, Emil Jack Lever, David Lasser, Tom Tippet, Henry C. Alsberg, David Karr, Guiseppi Facci, David Wahl, Hugh Miller, Walter Gellhorn, Karl Borders, Jack Fahy, Nathaniel Weyl, Robert Morss Lovett, Merle Vincent, Alice Barrows, Arthur F. Goldschmidt, Marcus I. Goldman, Leonard Emil Mins, Henry T. Hunt, Mary McLeod Bethune, Harry C. Lambertson, T. A. Bisson, Katherine Kellock, Jay Deiss, Milton V. Freeman, George Slaaf, A. C. Shire, and Edward Scheunemann."

On the same day, after the defeat of the amendment just quoted, the gentleman from Florida [Mr. HENDRICKS] offered another amendment as follows:

On page 12, line 22, after the word "Treasury", strike out the period, insert a colon and the following: "*Provided further*, That no part of any appropriation contained in this act shall be used to pay the compensation of William Pickens."

It will be noted that both the Kerr and the two Hendricks amendments propose to act in exactly the same way to accomplish the removal of those named in them, respectively, from the Government service. Of course, the Hendricks amendments were applicable only to the money appropriated in the Treasury Department bill, while the Kerr amendment was applicable not only to the then pending bill but also to any future appropriation bill. Then, too, there is a proviso in the Kerr amendment which is not in the Hendricks amendments. But the essential procedure of removal is the same in each—named officers or employees in the executive branch of our Government were to be denied payment of their salaries by the legislative branch of our Government.

When, on February 5, 1943, we were considering the first Hendricks amendment, the distinguished gentleman from Georgia, Judge TARVER, called the proposed procedure "legislative lynching." See page 651 of the CONGRESSIONAL RECORD.

It is true that he predicated his characterization upon the qualification:

At the same time I do not want to participate in any legislative lynching of men who have simply been charged with communistic affiliations without the submission of adequate proof to sustain the charges.

But many of us thought then, and think now, that his characterization of the modus operandi of the Hendricks amendment was perfectly apt, no matter how much proof could be made before a legislative committee when the Constitution requires a trial in court before punishment may be inflicted. Many of us also were then and now of opinion that such a procedure was an unconstitutional intrusion into the exclusive province of the executive branch of our Government, and an attempt to usurp its prerogative of removal of its officers and employees.

In somewhat similar vein were the remarks of the distinguished minority

leader, Mr. MARTIN of Massachusetts, speaking on the resolution to create the Kerr committee:

Let us give Pickens his day in court. That does not mean this House is to be shaken from its determination to eliminate from the Government pay roll all who are joining in attacking the American system of government.

The bureaucrats will never do the job; they dare not; Congress can and will. But let us do it in the orderly way, the just, fair way, and the American way. (See page 736 of the CONGRESSIONAL RECORD of February 9, 1943.)

On May 18, 1943, as reported on page 4581 of the CONGRESSIONAL RECORD, the distinguished gentleman from Missouri, Hon. CLARENCE CANNON, chairman of our great Appropriations Committee, spoke thus of the second Hendricks amendment:

Mr. Chairman, the committee will recall that in February, during consideration of an appropriation bill, a situation arose on the floor in which the House—almost by concert and with practical unanimity—proposed to summarily arraign, try, condemn, and execute, without benefit of clergy or legal process, certain Federal employees charged with subversive activities.

Those charged were to be given no opportunity to be heard. They were to be tried without notice on hearsay and rumor and by what practically amounted to mob action.

In that crisis, by agreement and direction of the leadership on both sides of the aisle and both ranking members of the committee in charge of the bill, I submitted to the House a resolution providing for the appointment of a subcommittee to investigate the charges, hear testimony, give accused opportunity to be heard, and thereupon, in due time, to bring the result of its deliberation before the House.

It was exactly this mode of procedure in the Hendricks amendments that caused many of us to vote against them. We believed that the creation of the Kerr committee for the full investigation of each case and requiring a report to the House with respect to each such case might result in the preparation by the committee of legislation within our power and province, which would accomplish the result desired by an overwhelming majority of the membership of the House, to wit, a separation from the Government service of those found to be unfit to continue in such employment by reason of their present or past association with or membership in organizations whose aims and purposes are or have been subversive of the Government of the United States.

Many of us hoped that the study of this entire problem by the Kerr committee would cause it to sponsor legislation within the power of Congress to enact, which would accomplish the desired end with reference to every Government officer or employee guilty of subversive activity or affiliation.

But the legislation proposed by the Kerr committee with the approval of the full Appropriations Committee is just as subject to constitutional objections as was the legislation proposed in the Hendricks amendments.

Does the fact that in February the gentleman from Florida [Mr. HENDRICKS]

offered the amendments while in May the gentleman from North Carolina, Judge KERR, offered one proposing essentially the same action, render the action any the less objectionable?

Does the change of the legislative committee sponsoring the charges change the Constitution?

Many of us thought the big idea was to do the job legally—within our power and province.

EFFECTIVE CONSTITUTIONAL LEGISLATION
POSSIBLE

Let no one say that legislation that would accomplish the desired purpose and within the power of Congress to enact, cannot be drawn. Congress has a perfect right, for instance, to fix by law the standard by which personnel procurement shall be governed and provide that no money appropriated by Congress shall be used to pay the salary of any person who does not square with that standard. Such legislation could also constitutionally provide that the head of every department or agency be held responsible for any employment not in conformity with the congressional standard, and that no money appropriated by Congress should be used to pay the salary of any such head of a department or agency who should fail to discharge his full responsibility in this respect. And in conjunction with such legislation, Congress could have submitted to the head of each department or agency of government the reports of the Kerr committee, as well as the reports of the Dies committee and of the Federal Bureau of Investigation.

Such legislation would be based upon the fundamental principle that Congress can regulate "the hiring and firing" in whatever agencies or departments of government it has created or may create—*Myers v. United States* (272 U. S. 52, 161); *United States v. Perkins* (116 U. S. 483) excerpts quoted infra.

Such legislation would not be a usurpation of the power of appointment or removal, which are vested by the Constitution in the executive branch of our Government. Neither would it be within the condemnation of the constitutional prohibition against bills of attainder.

My suggestion of such a substitute for the Kerr amendment is as follows:

SECTION 304

1. It shall be unlawful for any person to be employed in any capacity, in any department or agency of the Government of the United States created by or by virtue of an act of Congress, whose compensation is paid from funds authorized or appropriated by any act of Congress, who has engaged in activity subversive of the Government of the United States.

2. It shall be unlawful for any person to be employed in any capacity, in any department or agency of the Government of the United States created by or by virtue of an act of Congress, whose compensation is paid from funds authorized or appropriated by an act of Congress, who has been a member of or associated with any organization, any part of the aims or purposes of which is or has been subversive of the Government of the United States.

3. It shall be unlawful for any person employed in any capacity, in any department or agency of the Government of the United States, created by or by virtue of an act of

Congress, whose compensation or any part thereof is paid from funds authorized or appropriated by any act of Congress, to have membership in or association with any organization, any part of the aims or purposes of which is or has been subversive of the Government of the United States.

4. Any person who may have been or may be employed in violation of sections 1, 2, or 3 hereof shall be immediately removed from such employment, and thereafter no part of the funds appropriated by any act of Congress shall be used to pay the salary or other compensation of any such person.

5. Any person who is the head or acting head of personnel procurement for any department or agency of the Government of the United States, created by or by virtue of an act of Congress, in which any person may have been employed in violation of sections 1 or 2 hereof, or any other officer responsible for employment of any person in violation of sections 1 or 2 hereof, or any officer who permits any employee to continue in employment in violation of section 3 hereof, if he knew, or by the exercise of reasonable diligence could have known of such violation of section 3 hereof, shall be immediately removed from the position or office held by him, and thereafter no part of the funds appropriated by any act of Congress shall be used to pay the salary or other compensation of such officer.

6. It shall be unlawful for any person to accept employment in any capacity in any department or agency of the Government of the United States created by or by virtue of an act of Congress, whose compensation or any part thereof is paid from funds authorized or appropriated by any act of Congress, if he be ineligible therefor under sections 1 and 2 hereof.

7. Any person who may have been employed in violation of sections 1 and 2 hereof and who shall remain in such employment after this act shall have become a law shall be guilty of a high crime and misdemeanor, and thereafter no part of the funds appropriated by any act of Congress shall be used to pay his salary or other compensation.

8. That the phrase "subversive of the Government of the United States" as used in this act shall mean any act or conduct, membership or association, or advocacy of principle or doctrine inimical to the Government of the United States or the tendency of which is to undermine any of the institutions or to distort any of the functions or to impede any of the projects or to lessen any of the efforts of the Government of the United States; whether any such subversive influence exerted or sought to be exerted be open or direct or subtle or indirect, whether such subversive activity may have been by spoken or written words or by acts or conduct, and whether or not such subversive activity produced subversive result.

9. Any person who violates any of the foregoing provisions of this act, upon conviction thereof, shall be fined not more than \$1,000 or be imprisoned for not more than 2 years, or both.

If it be thought that such legislation would not be drastic enough, we could, of course, abolish any department or agency that we created, and, in reconstituting it, we could prescribe the standards for employment and removal of officers and employees.

A BILL OF ATTAINDER

If the Kerr amendment is a bill of "pains and penalties" within the meaning of the Constitution prohibiting bills of attainder, then, under our oaths of office binding us to uphold the Constitution, we must reject it. That the Kerr amendment is a bill of "pains and pen-

alties" within the meaning of the constitutional prohibition "No bill of attainder * * * shall be passed," article I, section 9, is clear.

A bill of attainder is a legislative act which inflicts punishment without a judicial trial. If the punishment be less than death, it is a bill of pains and penalties. As the term "bill of attainder" is used in the Federal Constitution, it includes both bills of attainder particularly, and bills of pains and penalties (*Cummings v. Missouri* (71 U. S. (4 Wall.) 277, 18 L. Ed. 356); *Drehman v. Stife* (75 U. S. (8 Wall.) 595, 601, 19 L. Ed. 508); *Pierce v. Carshadon* (83 U. S. (16 Wall.) 234, 239, 21 L. Ed. 276)).

If, then, the Kerr amendment inflicts punishment, it is a bill of pains and penalties, since there has been no judicial trial. This is not to say that the legislative hearings given by the Kerr committee were not judicial in a sense, but this committee was certainly not a court, and nothing short of a trial by a court constitutes a judicial trial.

The only question open for discussion and decision, therefore, is, Would this amendment, if it should become law, inflict punishment?

Throughout this debate it was frankly admitted that this amendment is intended to and will, if enacted, effectively exclude Watson, Dodd, and Lovett from the Government service.

That is punishment.

Take the cases of *Cummings v. Missouri* (71 U. S. (4 Wall.) 277, 320) and *Ex parte Garland* (71 U. S. (4 Wall.) 333, 337). These are State cases, not Federal. But the provisions of the Federal Constitution are almost identical as to State and Federal limitation of power. As to congressional power, the Constitution of the United States reads:

No bill of attainder or ex post facto law shall be passed (art. I, sec. 9).

As to State power, the Constitution of the United States reads:

No State shall pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts (art. I, sec. 10).

So the *Cummings* and *Garland* cases are perfectly in point as authorities in our consideration of the pending amendment, under the above quoted limitation upon congressional power.

In the *Cummings* case the defendant was a Roman Catholic priest who was indicted and convicted of the crime of teaching and preaching as a priest and minister of that denomination without first having taken the oath prescribed by the Constitution of the State of Missouri, and was sentenced to pay a fine of \$500 and to be committed to jail until said fine and costs of suit were paid. This prosecution was under the constitution of Missouri of 1865 which provided that no person shall be permitted to practice as an attorney or counselor at law nor be competent as a bishop, priest, deacon, minister, elder, or other clergyman of any religious persuasion, sect, or denomination, to teach, preach, or solemnize marriages, unless such person shall have first taken, subscribed, and filed said oath—which oath required a statement that the affiant had never been in armed hostility to the United

States or been in sympathy with rebellion or, except under overpowering compulsion, submitted to the authority or been in the service of the so-called Confederate States of America.

The Supreme Court of the United States in its decision in the *Cummings* case said:

The disabilities created by the Constitution of Missouri must be regarded as penalties—they constitute punishment. We do not agree with the counsel of Missouri that "to punish one is to deprive him of life, liberty, or property, and that to take from him anything less than these is no punishment at all." The learned counsel does not use these terms—life, liberty, and property—as comprehending every right known to the law. He does not include under liberty freedom from outrage on the feelings as well as restraints on the person. He does not include under property these estates which one may acquire in professions, though they are often the source of the highest emoluments and honors. The deprivation of any rights, civil or political, previously enjoyed, may be punishment, the circumstances attending and the causes of the deprivation determining this fact. Disqualification from office may be punishment, as in cases of conviction upon impeachment. Disqualification from the pursuits of a lawful avocation, or from positions of trust, or from the privilege of appearing in the courts, or acting as an executor, administrator, or guardian, may also, and often has been, imposed as punishment (*Cummings v. Missouri* (71 U. S. (4 Wall.) 277, 18 L. ed. 356)).

In the *Garland* case the defendant was an attorney and counselor at law and was prosecuted under the same section of the Missouri Constitution of 1865 as was the defendant *Cummings* in his case.

The Supreme Court of the United States in the *Garland* case said:

And exclusion from any of the professions or any of the ordinary avocations of life for past conduct can be regarded in no other light than as punishment for such conduct. The exaction of the oath is the mode provided for ascertaining the parties upon whom the act is intended to operate, and instead of lessening, increases its objectionable character. All enactments of this kind partake of the nature of bills of pains and penalties and are subject to the constitutional inhibition against the passage of bills of attainder, under which general designation they are included (*Ex parte Garland* (71 U. S. (4 Wall.) 333, 337, 18 L. ed. 366)).

In the *Cummings* case the exclusion was from the priesthood. In the *Garland* case the exclusion was from the practice of law. In the cases now before us the exclusion is from the Government service. The decisions from which the above quotations have been taken are directly in point and condemn any such enactment as the Kerr amendment as a bill of pains and penalties subject to the constitutional inhibition against the passage of bills of attainder.

Therefore the Kerr amendment is, in my judgment, plainly violative of the constitutional prohibition "No bill of attainder * * * shall be passed." If this conclusion be sound, and I most respectfully submit and urge that it is, that ends discussion—we need go no further; for if any piece of legislation comes within the prohibition of any one part of the Constitution, it is as void as though it offended each and every provision.

THE KERR AMENDMENT VIOLATES "SEPARATION OF POWERS" PRINCIPLE

But the pending amendment not only violates the constitutional mandate against bills of attainder, but it also violates the principle—implicit throughout the Constitution—of separation of powers, and the explicit creation of a government composed of three separate but coordinate branches—legislative, executive, and judicial.

The doctrine of the "separation of powers" of the executive, legislative, and judicial branches of the Federal Government is fundamental in the American theory of constitutional government. One branch is not to encroach upon the other, except insofar as authorized by the Constitution. Essential functions of the legislature are not to be usurped by the executive nor by the judiciary. Similarly, the legislature is not to interfere with the other coordinate departments of the Government except where an intermingling of spheres of action is authorized or contemplated by the Constitution itself. (The *Federalist*, Nos. 47 to 51.)

The power to "fire" an employee of the executive branch of the Government belongs to the Executive exclusively. *Meyers v. United States* (272 U. S. 52). In the *Meyers* case the Supreme Court further held:

The power to remove inferior executive officers, like that to remove superior executive officers, is an incident of the power to appoint them, and is in its nature an executive power. The authority of Congress given by the excepting clause to vest the appointment of such inferior officers in the heads of departments carries with it authority incidentally to invest the heads of departments with power to remove.

The Supreme Court recognized in the case of *United States v. Perkins* (116 U. S. 493) that Congress, in committing the appointment of such inferior officers to the heads of departments, may prescribe incidental regulations controlling and restricting the latter in the exercise of the power of removal; but the Court never has held, nor reasonably could hold, that the excepting clause enables Congress to draw to itself, or to either branch of it, the power to remove or the right to participate in the exercise of that power. To do this would be to go beyond the words and implications of that clause and to infringe the constitutional principle of the separation of governmental powers.

Further quoting from the decision of the Supreme Court in the *Meyers* case:

Assuming then, the power of Congress to regulate removals as incidental to the exercise of its constitutional power to vest appointments of inferior officers in the heads of departments, certainly so long as Congress does not exercise that power, the power of removal must remain where the Constitution places it, with the President, as part of the Executive power.

When Congress abolished the Radio Commission and created in its stead the Federal Communications Commission—United States Code Annotated, title 47, section 154—it authorized the President by and with the advice and consent of the Senate, to appoint the seven Commissioners and gave to the Commission the power to appoint the employees of the Commission subordinate to the Commissioners. Congress did not prescribe incidental regulations controlling and restricting the Commissioners in the

exercise of the power of appointment or removal.

The exclusive right of the Executive to remove officers within the executive branch of the Government was reiterated in the case of *Morgan v. T. V. A.* (115 Fed. (2d) 990, certiorari denied, 61 Sup. Ct. Rep. 806).

The doctrine of separation of powers is reemphasized in the case of *Humphrey's Executor v. United States* (295 U. S. 602):

The fundamental necessity of maintaining each of the three general departments of government entirely free from the control or coercive influence, direct or indirect, of either of the others, has often been stressed and is hardly open to serious question. So much is implied in the very fact of the separation of the powers of these departments by the Constitution; and in the rule which recognizes their essential coequality. The sound application of a principle that makes one master in his own house precludes him from imposing his control in the house of another who is master there. James Wilson, one of the framers of the Constitution and a former Justice of this Court, said that the independence of each department required that its proceedings "should be free from the remotest influence, direct or indirect, of either of the other powers" (Andrews, the Works of James Wilson (1896), vol. 1, p. 367). And Mr. Justice Story in the first volume of his work on the Constitution, fourth edition, section 530, citing No. 48 of the *Federalist*, said that neither of the departments in reference to each other "ought to possess, directly or indirectly, an overruling influence in the administration of their respective powers" (295 U. S. at pp. 629-630).

The argument, on the purse strings premise is blasted by an opinion of former Attorney General Mitchell, as follows:

Congress holds the purse strings, and it may grant or withhold appropriations as it chooses, and when making an appropriation may direct the purposes to which the appropriation shall be devoted and impose conditions in respect to its use, provided always that the conditions do not require operation of the Government in a way forbidden by the Constitution. Congress may not, by conditions attached to appropriations, provide for a discharge of the functions of government in a manner not authorized by the Constitution. If such a practice were permissible, Congress could subvert the Constitution. It might make appropriations on condition that the executive department abrogate its functions. It might, for example, appropriate money for the War Department on condition that the direction of military operations should be conducted by some person designated by the Congress, thus requiring the President to abdicate his functions as Commander in Chief (37 Op. Atty. Gen. 56, 61 (1933)).

Supporters say with twinkling eyes and a smile, "Yes, but this is not firing; this is merely denying the money to pay his salary. We do not say he cannot work for the Government; we simply say no Government money can be used to pay him."

Specious. Sophistry. What of the law we passed that no one can work for nothing?

The more serious-minded supporters add: "Seriously, though, Congress has the power to abolish the whole outfit, including Watson, so, if we were to do that, we'd be getting him just the same."

The answer to this is also obvious. Granting that Congress might abolish

the Federal Communications Commission, and that if that were done, that would get Watson, that is not what is being done. Maybe the Federal Communications Commission should be abolished. Congress has the power, undoubtedly, to abolish it; why not act within our power and do so? I challenge any and all of you who think that should be done, because of the employment of Watson and Dodd, or for any other reason, do it. But do not forget your oath of office to uphold the Constitution and trample it under contemptuous feet by passing this bill of attainder which intrudes into the inviolable province of the Executive.

Who made it possible to employ Watson and Dodd? Congress did. We granted the Commissioners the power to appoint whomsoever they might please. The only restriction we have ever placed upon this grant of power is the requirement that no one who advocates, or who is a member of an organization that advocates, the overthrow of our Government by force or violence, shall be paid. We so wrote the law. Under that single restriction these men were employed. No contention has been made that they, or either of them, come within that condemnation. After they were employed, we, very wisely, changed the criterion. The special subcommittee constituted to investigate and report to the House how Government employees squared with the new criterion, has made two reports which show judicial poise and careful analysis. The gentlemen who compose this subcommittee are estimable, careful, honorable. Their reports are entitled to the full faith and credit their judgment and honesty of purpose demand. Those who have the power to hire and fire should give the most respectful and serious consideration to these and any further reports, and only the weightiest evidence contra should cause them to fail to follow the report that they are unfit for the present to continue in Government employ, and discharge all that that "cap fits." But ours is not the power to hire or fire, nor have we the right to go out of our own house into theirs and rule.

It is true that the resolution creating the Kerr committee provided:

Any legislation approved by the committee as a result of this resolution may be incorporated in any general or special appropriation measure emanating from such committee or may be offered as a committee amendment to any such measure notwithstanding the provisions of clause 2 or rule XXI.

But, of course, this meant any legislation within the power of Congress to enact; that is, not in conflict with the Constitution.

We can abolish the Federal Communications Commission. We can prescribe incidental regulations to control or limit the appointing powers or the powers of removal we grant, but we cannot violate the Constitution by passing a bill of attainder, such as the Kerr amendment, nor usurp the power of either separate and coordinate branch of our Government. The power of removal of officers or of employees in the executive branch of our Government is in the Chief

Executive. Congress may remove its own but not those of the Executive.

What has been said as to Watson and Dodd applies for the most part and just as cogently to Lovett.

The fact that Congress adopted the method of removal now proposed in the case of David Lasser, neither changes the Constitution nor justifies the procedure. One wrong never justifies another.

The claim has been made that thousands of Communists were taken off the Government pay roll when the Federal Theater Project of the W. P. A. was abolished. But that was the abolition of a project, not the mere removal of employees. Congress may abolish any organization it creates or authorizes, and such abolition kills the jobs of the employees of the agency abolished. But that is in accord with the Constitution, not in violation of it.

Just as fiercely as we resent attempts to encroach upon our exclusive province, does the executive branch of our Government have the right to resent this encroachment attempted by us. Why cannot we of each separate, coordinate branch of our Government learn and practice the truth that the only road to the sunlit highlands of happiness and success is cooperation?

WHAT POWERS HAS CONGRESS?

All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

ART. I, SEC. 1

The provision—

All legislative powers herein granted shall be vested in a Congress—

means that Congress—

within the limits of its powers and observing the restrictions imposed by the Constitution may, in its discretion, enact any statute appropriate to accomplish the objects for which the National Government was established (*Burton v. United States*, 202 U. S. 344, 367 (1906)).

The only legislative powers vested in Congress are those "herein granted."

Whenever, therefore, a question arises concerning the constitutionality of a particular power, the first question is whether the power be expressed in the Constitution. If it be, the question is decided. If it be not expressed, the next inquiry must be whether it is properly an incident to an express power and necessary to its execution. If it be, then it may be exercised by Congress. If not, Congress cannot exercise it. (Justice Story, Commentaries on the Constitution, sec. 1243, quoted with approval in *United States v. Harris*, 106 U. S. 629, 636 (1883).)

The Government of the United States is one of delegated, limited, and enumerated powers. Therefore, every valid act of Congress must find in the Constitution some warrant for its passage. This is apparent by reference to certain provisions of the Constitution, for example, (a) article I, section 1, that all legislative powers granted by the Constitution shall be vested in the Congress of the United States; (b) article I, section 8, which enumerates the powers granted to Congress, and concludes the enumeration with a grant of power—

To make all laws which shall be necessary and proper to carry into execution the foregoing powers and all other powers vested by

the Constitution in the Government of the United States, or in any department or officer thereof.

And (c) the tenth amendment which declares that—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. (*Martin v. Hunter's Lessee*, 1 Wheat. 304 (1816); *McCulloch v. Maryland*, 4 Wheat. 316 (1819); *Gibbons v. Ogden*, 9 Wheat. 1 (1824); *United States v. Harris*, 106 U. S. 629, 635 (1883)).

In the Constitution are provisions in separate articles for the three great departments of Government—legislative, executive, and judicial. But there is a significant difference in the grants of powers to those departments: The first article, treating of legislative powers, does not make a general grant of legislative power to Congress; it vests in Congress all legislative powers herein granted. The second article, on the other hand, vests the executive power in the President. Similarly, the third article states that the judicial power of the United States shall be vested in a Supreme Court and in such inferior courts as Congress may establish. From the language thus used in these three articles, it has become established that the entire executive and judicial power of the Nation are vested in the President and the Federal Judiciary, while only those legislative powers granted by the Constitution may be exercised by Congress. "The proposition that there are legislative powers affecting the Nation as a whole which belong to, although not expressed in the grant of powers, is in direct conflict with the doctrine that this is a Government of enumerated powers." Congress has no inherent sovereign powers in the realm of domestic legislation (*Kansas v. Colorado*, 206 U. S. 46, 81 (1907)).

The powers of Congress in respect to investigation and legislation are not absolutely identical, but the power of investigation is the wider and extends to matters on which Congress could not constitutionally legislate directly, if they are reasonably calculated to afford information useful and material in the framing of constitutional legislation.

Interstate Commerce Commission v. Harriman (157 Fed. 432 (1908)), order modified in *Harriman v. Interstate Commerce Commission* (211 U. S. 407 (1908)); *Kilbourn v. Thompson* (103 U. S. 168 (1881)).

No power of appointment to office except within itself is granted Congress by the Constitution; nor is there granted, nor implied, any power of removal from office except within the legislative branch of our Government; plus the power of impeachment.

In short, the power of Congress may be summarized thus: To make the law under and in accordance with the Constitution.

WHAT POWERS HAS THE EXECUTIVE?

The Executive power shall be vested in a President of the United States of America (art. II, sec. 1).

The Executive power—all of it. Not merely those granted in the Constitution, as the Constitution limits the powers of Congress; but all Executive power—the whole of it.

But in addition to this all-inclusive grant of the whole of Executive power, the Constitution expressly grants to the executive department of our Government the exclusive power of appointment of all its officers, superior and inferior.

And, of course, the power of removal is but an incident of the power to appoint, and is a part of it.

In *Myers* against United States the Court had before it the question of the Executive power of removal, and since the Constitution is silent on the subject—with the exception of removal upon impeachment—it necessarily had to consider the extent of the Executive power in general. It was therefore brought to examine clause 1 of section 1 of article II of the Constitution. The Court stated:

Our conclusion on the merits . . . is that article II grants to the President the executive power of the Government, i. e., the general administrative control of those executing the laws, including the power of appointment and removal of executive officers—a conclusion confirmed by his obligation to take care that the laws be faithfully executed (272 U. S. 52, 163 (1926)).

He shall have power, by and with the advice and consent of the Senate to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States, whose appointments are not herein otherwise provided for, and which shall be established by law: But the Congress may by law vest the appointment of such inferior officers, as they think proper, in the President alone, in the courts of law, or in the heads of departments (art. II, sec. 2).

The word "inferior" is not here used in the sense of petty or unimportant, but it means subordinate or inferior to those officers in whom respectively the power of appointment may be vested—the President, the courts of law, and the heads of departments.

Collin's Case (14 Ct. Cl. 568 (1878)); *United States v. Germaine* (99 U. S. 508, 510 (1879)).

Further, while the power of appointment to office is essentially an Executive function, Congress has power to prescribe conditions to the complete investiture of an office; and qualifications for office, provided scope is left for the judgment and will of the appointing authority. And it may control appointments through the control of appropriations for salaries. This control may take effect in the refusal of appropriations; or it may create a liability for services antedating issue of commission, and allow back pay for any cause which Congress shall deem sufficient.

United States v. LeBaron (19 How. 73, 78 (1856)), filing of bond and taking oaths of office; 13 Opinion Attorney General 516, 524 (1871); *In re Miller*, 5 Mackey (D. C.) 507 (1887), writ of error dismissed (140 U. S. 690 (1891)), upholding the civil service laws; see *Footo v. United States* (23 Ct. Cls. 443 (1888)), 7 Opinion Attorney General 215 (1855); *Bennett v. United States* (19 Ct. Cls. 379 (1884)).

When Congress by law vests the appointment of inferior officers in the heads of departments, it may limit and restrict the power of removal as it deems best for the public interest. The head of a department has no constitutional prerogative of appointment to offices independently of the legislation of Congress, and by such legislation he must be governed, not only in making appointments, but in all that is incident thereto—*United States v. Perkins* (116 U. S. 483 (1886)), involving a cadet engineer in the Navy, appointed under statute by the Secretary of the Navy. The case specifically left undecided the question whether or not Congress could constitutionally restrict the

power of removal of officers appointed by the President with the consent of the Senate, page 484.

See also *Eberlein v. United States* (257 U. S. 82 (1921)).

In *Myers* against United States the specific question was raised, whether a postmaster of the first class, appointed with the consent of the Senate under a statute—19 Statutes 80, section 6—which provided that such postmasters "shall be appointed and may be removed by the President with the advice and consent of the Senate, and shall hold their offices for 4 years unless sooner removed or suspended according to law" could constitutionally be removed before the expiration of 4 years by the President alone. And it was held that he could, that the restrictions and removals in the act of 1876 were unconstitutional, and—

That article II excludes the exercise of legislative power by Congress to provide for appointments and removals, except only as granted therein to Congress in the matter of inferior officers; that Congress is only given power to provide for appointments and removals of inferior officers after it has vested, and on condition that it does vest, their appointment in other authority than the President with the Senate's consent; that the provisions of the second section of article II, which blend action by the legislative branch, or by part of it, in the work of the executive, are limitations to be strictly construed and not to be extended by implication; that the President's power of removal is further established as an incident to his specifically enumerated function of appointment by and with the advice of the Senate, but that such incident does not by implication extend to removals; the Senate's power of checking appointments; and finally, that to hold otherwise would make it impossible for the President, in case of political or other differences with the Senate or Congress, to take care that the laws be faithfully executed (272 U. S. 52, 164 (1926)).

The authority of Congress to condition the President's power of removal by fixing a definite term and restricting removal except for cause depends upon the character of the office. Where an office is predominantly quasi-judicial and quasi-legislative rather than executive, the President has no constitutional power to remove for reasons other than those specified by law. So held, that the President had no power to remove without cause a Federal Trade Commissioner, when the act establishing the Commission (38 Stat. 717) provides for removals for inefficiency, neglect of duty, or malfeasance only (*Humphrey v. United States* (295 U. S. 602 (1935))).

Generally the power of the executive branch is to execute the law.

WHAT POWERS HAS THE JUDICIAL?

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish—article III, section 1.

It is the duty of the courts only to judge. It is, emphatically, the province and duty of the judicial department, to say what the law is. Those who apply the rule to particular cases must of necessity expound and interpret that rule.

Chisholm v. Georgia, 2 Dall. 419, 433 (1793); *Marbury v. Madison*, 1 Cr. 137, 177 (1803); *Ex parte McCordle*, 7 Wall. 506, 514 (1869); *Cohen v. Virginia*, 6 Wheat. 264, 447 (1821).

Generally: To declare the meaning of the law.

JUDGE KERR'S AUTHORITIES

In spite of the fact that when the Kerr amendment was adopted by the House, the time allowed for debate of that issue—2 hours—was under the exclusive control of proponents, who gave only 10 of the 120 minutes to those of the opposition for actual utterance on the floor, and although among the able supporters of the amendment were some of the best lawyers in the membership of this body, there were only four citations of authority made by the proponents, and not one of these four was in point.

Hart v. United States (16 Court of Claims Reports 484; 118 U. S. 62).

The first one of these four citations is the Hart case, cited supra. Judge KERR quotes therefrom as follows:

The absolute control of the moneys of the United States is in Congress and Congress is responsible for its exercise of this great power to indicate a class of persons who shall not be paid out of general appropriations, but shall come to Congress for relief.

It will be noted at a glance that even if this case were an authority on the subject here under consideration—the removal of a Federal employee by denying the use of money carried in an appropriation bill for the payment of his salary, which it is not, it still does not hold that named employees may be denied payment of their salaries by legislative mandate. Of course, the part that the gentleman from North Carolina, Judge KERR, quoted is the most favorable part of this decision toward his contention. But even this merely says that the money power of Congress may be used "to indicate a class of persons who shall not be paid out of general appropriations." What we are doing here is not indicating a class of persons, but naming individuals. We have a right to set up a standard for employees of any agency of government we create and to require that no employee ineligible under that standard may be employed or retained in employment; such legislation is entirely proper; it indicates a class of persons who are to be ineligible for employment and anyone whom that cap fits must wear it. But this leaves the power of removal in the executive branch of our Government. It simply requires the Executive power of removal to be exercised upon any member of the class indicated. It does not substitute action by Congress for action by the Executive authority.

But the Hart case was not an employee case. It was a suit filed in the Court of Claims by one who had sold flour, corn, and forage to the Federal Government for the use of its army during the War between the States. Congress had passed a law saying that no one who was a sympathizer with the Confederacy could be paid for any property he might have sold to the Federal Government on credit. This was the class indicated by Congress, no member of which should be paid out of appropriations made by Congress. The Court of Claims held in the Hart case that the seller was a sympathizer with the Confederacy and therefore came within the indicated class of those who could not be paid out of Federal appropriations, and

the Supreme Court of the United States affirmed that decision.

So the Hart case, far from being an authority in point and in favor of Judge KERR's position, is really contra.

OPINIONS OF THE ATTORNEYS GENERAL, VOLUME 7, PAGE 215

No such language as that quoted by the gentleman from North Carolina, Judge KERR, appears on that page in that volume. It is, of course, to be assumed that the gentleman from North Carolina, Judge KERR, simply made a mistake in his citation and that he was quoting from some other opinion of an attorney general.

The opinion cited by Judge KERR relates to "ambassadors and other public ministers of the United States." It has nothing to do with inferior officers of the United States, appointed by Department heads under specific authority of Congress. This opinion points out that as the office of public minister is in fact a constitutional, not a statutory one, the President might appoint without the act of Congress and in virtue of the Constitution.

CRENSHAW V. UNITED STATES (134 U. S. 99)

Crenshaw was appointed to the United States Naval Academy at Annapolis under and by virtue of an act of Congress. Before his graduation, a later Congress changed the law by repealing that part of the law under which Crenshaw was appointed, which provided that every appointee who graduated should be commissioned in the Navy and substituting a provision that only those graduates who attained a certain grade in their studies should be commissioned. Crenshaw did not make the grades entitling him to a commission under the second act of Congress.

The Crenshaw case holds that it is not within the power of one Congress to deprive its successor of the power of repealing an act creating a public office. This is sound, well-recognized law and has nothing whatever to do with cases like those of Watson, Dodd, and Lovett, who were appointed to the inferior offices they hold by the executive branch of the Government under authority granted by Congress and not repealed or changed by subsequent statute. Crenshaw was never inducted into his office by commission. At the time he accepted his appointment as a midshipman he was fully and indisputably chargeable with notice that the law under which he was appointed could be changed by any succeeding Congress. He accepted appointment as a midshipman, received the benefits of a splendid education at Government expense, and was given a certificate of graduation from the Naval Academy. But before being commissioned, the law was changed by a succeeding Congress so that he not having attained the grade which would have put him in the class indicated by the second act, he was not entitled to be commissioned. He brought suit for the salary he would have received had he been commissioned. The Court held that he had no property or contractual right which entitled him to

a commission nor to the salary he would have received had he been commissioned.

SPEECH OF HON. JOHN RANDOLPH TUCKER

In 1879 in the debate in this House on the then pending Army appropriation bill, Hon. John Randolph Tucker, of Virginia, made an exceedingly able speech in which he demonstrated beyond question that the money power of the House of Commons in the British Parliament had been used to curb usurpation and oppression by the Crown. No one has ever questioned this historic fact.

But what has this to do with the question whether or not Congress has the power to punish Watson, Dodd, and Lovett without a court trial and if Congress has the constitutional right to usurp the power of removal which our Constitution vests as an incident of the express power of appointment in the executive branch of our Government?

It must be borne in mind that England has no constitution except its statutes. We have a written Constitution which is the supreme law of the land, and in and by which the powers of Congress are strictly limited.

The issue in the debate in which the Honorable John Randolph Tucker participated was whether or not, in an appropriation bill for the maintenance of the Army of the United States, Congress had the power to provide that the Army should not be used to regulate elections. Bear in mind that the Constitution of the United States grants no power to the President to raise or maintain troops. Congress has power "to raise and support armies." (Constitution of the United States, art I, sec. 8, clause 12.)

The President of the United States has no such power, the King of England has.

Furthermore, Congress has power "to make rules for the government and regulation of the land and naval forces"—Constitution of the United States, article I, section 8, clause 14. The King of England has this power, the President of the United States has not. The King of England is Generalissimo. The President of the United States is Commander in Chief of the land and naval forces—Constitution of the United States, article II, section 2. Mr. Tucker says on this point:

It thus appears the power of the President is far less than that of the King, and of Congress far greater than that of the Parliament as to the Army. But Congress and Parliament have the power of the purse alike. Now if in England Parliament can limit and has limited the use of troops by the King, and notably in the case of their use and presence at elections, is it revolutionary or against the letter or spirit of the Constitution for us to condemn the supply for support of the Army upon their non-use at elections? If it be, then is the case of American citizens as to liberal and free elections less favorable than that of the subjects of the British monarchy?

Mr. Tucker further aptly says:

The President is ex officio no more as Commander in Chief than the General in Chief of the Army. * * * he is the Executive Director of the troops in military operations. But how, where, and when he and they are

to be used is within the power of Congress to direct, not in his.

CONCLUSION

So it is perfectly apparent that not one of the four authorities cited by supporters of the Kerr amendment supports their contention.

This leaves the case for the Kerr amendment unsupported by any authority whatsoever save the ipse dixit of its proponents. And this is based, I respectfully submit, upon a mistaken conception that the power of the purse is omnipotent and can override the Constitution of the United States.

For the opposition, however, not only the Constitution speaks clearly and forcibly, but so also does the Supreme Court of the United States. How anyone can read the Constitution and the cases of *Cummings v. Missouri* (71 U. S. (4 Wall.) 277), *Ex parte Garland* (71 U. S. (4 Wall.) 333), *Myers v. United States* (272 U. S. 52), *United States v. Perkins* (116 U. S. 483), *Humphrey's Executor v. United States* (295 U. S. 602), and *Morgan v. T. V. A.* (115 Fed. (2d) 990), in which certiorari was denied in 61 Supreme Court Report 806, and still contend that Congress has the right to pass the Kerr amendment, is beyond my comprehension.

Mr. CANNON of Missouri. Mr. Speaker, this question has been exhaustively debated in the House on a number of occasions, so thoroughly discussed that nothing further could be added at this time.

In view of the lateness of the hour, Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the motion of the gentleman from Missouri.

The motion was agreed to.

A motion to reconsider the votes by which action was taken on the several motions was laid on the table.

Mr. CANNON of Missouri. Mr. Speaker, I ask unanimous consent that all Members speaking be permitted to extend their own remarks on the bill.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

TRAINING OF NURSES

Mr. MYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 2664) to provide for the training of nurses for the armed forces, governmental and civilian hospitals, health agencies, and war industries, through grants to institutions providing such training, and for other purposes, with Senate amendments thereto, and concur in the Senate amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendments, as follows:

Page 1, line 7, after "act", insert ": Provided, That there shall be no discrimination in the administration of the benefits and appropriations made under the respective provisions of this act, on account of race, creed, or color."

Page 4, line 7, after "training", insert ", to the extent that such maintenance is not

compensated for by the value of their services during such period."

Page 6, after line 8, insert:

"Sec. 8. There shall be no discrimination against any institution on account of the size thereof or the number of nurses employed or student nurses training therein."

Page 6, line 9, strike out "8" and insert "9."

Page 6, line 25, strike out "9" and insert "10."

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MARTIN of Massachusetts. Reserving the right to object, Mr. Speaker, I understand that these amendments are minor and that they have been agreed to by the gentleman's committee.

Mr. MYERS. Unanimously.

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The Senate amendments were concurred in.

A motion to reconsider was laid on the table.

EXTENSION OF REMARKS

Mr. RANKIN. Mr. Speaker, on yesterday I was granted permission to extend my own remarks in the RECORD on the life of our departed colleague, Mr. Guyer. I ask unanimous consent to insert along with those remarks an address delivered by Mr. Guyer on the life and character of the Honorable Edward C. Little.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a newspaper editorial.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. FORAND. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a brief newspaper article.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

(Mr. GOSSETT asked and was given permission to extend his own remarks in the RECORD.)

Mr. D'ALESSANDRO. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a copy of the bill H. R. 1289 and correspondence with the Office of the Attorney General and the Commissioner of Immigration and Naturalization.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SCHWABE. Mr. Speaker, I ask unanimous consent to extend my own remarks in the RECORD and include therein a letter from a prominent constituent.

The SPEAKER. Is there objection to the request of the gentleman from Missouri?

There was no objection.

GAS RATIONING IN THE MIDDLE WEST

Mr. HALLECK. Mr. Speaker, I ask unanimous consent to proceed for 4 minutes on the subject of the gas situation in the Middle West.

The SPEAKER. Is that agreeable to the gentleman from Wisconsin [Mr. SAUTHOFF], who has a special order at this time?

Mr. HALLECK. I have discussed the matter with the gentleman from Wisconsin.

Mr. SAUTHOFF. Mr. Speaker, I have no objection.

The SPEAKER. Is there objection to the request of the gentleman from Indiana to proceed for 4 minutes?

There was no objection.

Mr. HALLECK. Mr. Speaker, the suggestion that middle western gasoline rationing be placed on a par with Eastern States rationing should be approached with the utmost care. Either a great service or a great disservice might be done by such a step.

I think I can speak advisedly on the situation because I am familiar with both sides of the picture. As a part-time resident of the District of Columbia, I know the many inconveniences which arise from being on short gas rations. Again, as a resident of the State of Indiana, I am fully aware of the desire of the residents of the Middle West to maintain their present gasoline allowances. They accepted rationing in the first place not because of gas shortage but because they were told that rationing was necessary to conserve rubber. Clearly they should not be asked to go along with further curtailment just because misery loves company.

The entire crux of the question centers on whether further restriction of the use of gasoline in the Middle West would be of any material advantage to eastern car drivers. Would the cutting of the value of gas coupons in the Middle West or the prohibition of all pleasure driving put any more gas in the tanks of eastern drivers? Or would such further restriction simply mean that the car owners in my part of the country would suffer and the eastern driver would not be benefited in the slightest?

I am frank to say that I think the latter is correct. Some say that the proposed restriction would mean 15,000 more barrels of gas daily to the eastern user. Even if this is true, it seems a relatively small amount to me. I should think that any move for more gas should produce a greater new supply than 15,000 barrels before it would scarcely be worth while. In any event, if transportation facilities in use in the Midwest are needed to move gasoline east, let the O. D. T. take them. But do not put more restrictions on our people unless shortages in supply indicate the necessity therefor.

If it is proved absolutely that the proposed restriction would cure the eastern situation, then a case can be made for it. But certainly there should be no restrictions imposed on Indiana and other States merely to compel motorists in all parts of the Nation to suffer alike. I do not believe that either my colleagues

or eastern motorists would approve such a selfish plan.

It is imperative that the entire question be given a thorough hearing before any restrictive step as proposed is taken. Let us get the facts.

EXTENSION OF REMARKS

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent to extend my remarks and include an editorial.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. Under special order heretofore made, the Chair recognizes the gentleman from Wisconsin [Mr. SAUTHOFF] for 30 minutes.

THE FLIGHT OF THE CANNERS

Mr. SAUTHOFF. Mr. Speaker, the Wisconsin delegation in the House of Representatives met with a group of outstanding canners from the State of Wisconsin in my office Saturday forenoon, June 5, for the purpose of discussing the unfortunate situation in which the canners of Wisconsin now find themselves, through no fault of their own.

As long ago as October 1942, the Wisconsin canners, through individuals and through their association, have been attempting to reach some sensible adjustment of their problems with the Office of Price Administration, and in spite of that early start, they find themselves face to face with the canning season and utterly unable to carry on because of lack of labor with which to take care of the season's pack.

If these canners had been negligent or had attempted through evasive measures to avoid cooperating with the Government agencies, it would be their own fault, but I can truthfully say that the record of the Wisconsin canners is outstanding in that they have faithfully adhered to the regulations of the various departments, no matter how foolish, and up to the present time not a single one of them has been hailed into court because of any violation of Government regulations. This shows that the Wisconsin canners are making a very earnest and honest effort to meet the demands of the Government, both in respect to price regulations and in respect to increased production of food.

In the October meeting these gentlemen were assured of attention to their problems and told that the matter would be taken care of in December. In December of 1942, another meeting was held, and no decisions were made which met the problems of the canners. They were then advised to meet again in February of 1943, at which time there was further delay and procrastination. On several occasions I have personally conferred with the various gentlemen in the agencies, who manifested a sympathetic interest but did nothing. These canners, many of whom are known to me personally, are capable, energetic, honest, and sincere, striving to take care of their growers, their employees, their customers, and the Government's demand for increased production, while at the same time they are badly handicapped by

rules and regulations which are more of a hindrance than a help.

I need not go into the great service rendered by the canning industry to the food problems of the average American home, but I would like to take this occasion to point out that when the Axis forces surrendered at Tunisia they had guns, munitions, equipment, and food, but the food was raw, and the drive against them had been so pressing that they had had no time to process that raw food, with the result, as explained by many prisoners, both German and Italian, that they had not eaten for 2 days and had to quit because of a lack of prepared food. On the other hand, our boys, as well as the French soldiers and the British soldiers, had canned food which could be prepared very quickly, and in that manner our armed forces could be fed and the drive sustained. It was canned food that sustained our boys and the lack of canned food that was one of the leading factors in making the Axis soldiers quit in Tunisia.

If Corporal Hitler had deliberately set out to sabotage our canned-food program, he could not have done a much better job than is now being done by many of the rules and regulations, impossible of fulfillment, that are laid down by the Office of Price Administration.

RECOMMENDATIONS OF CANNERS

In our conference with the canners and their representatives we asked them to point out specific recommendations, and they were all agreed that the chaotic conditions in the food-canning industry, at this critical season, demand that control of the food-canning industry, including wages and prices, be concentrated in a single Government agency with full authority and responsibility for production and distribution, and with such State or regional agencies so that unforeseen problems could be met as they arose, without the long and painful and expensive necessity of spending 4 or 5 days every month in Washington.

Many Members of Congress, both in the House and in the Senate, have been urging for months that the question of food production, through all its various ramifications, be centralized in one specific administrator so that there would not be a half dozen agencies to which each industry would be referred in regard to its problems. Personally, I would prefer that such administrator should be Chester Davis, who understands agriculture and knows what is needed to produce food. And I want to protest with all the earnestness and vehemence at my command against the practice of putting hundreds of half-baked lawyers, who never tried a lawsuit, at desks writing regulations and questionnaires for men who were born and raised in their particular industry and who know more about it in their sleep than these pencil pushers will ever know about it. And I want to add while I am at it that I do not believe because some fellow learned what Karl Marx wrote and received a master's degree or doctor of philosophy degree by writing a thesis on the cranberry and how it cares for its young that

he is a competent, experienced official to deal with the problems of growing and processing food.

WISCONSIN'S IMPORTANCE

The State of Wisconsin is the second largest canning State in the Union, being exceeded in its output only by California. However, if you subtract the fruits canned in California from its output, Wisconsin comes first. It is the largest vegetable canning State in the Union. There are 154 active canneries in my State, a number of which operate in my district. Last year, Wisconsin canners produced 20,000,000 cases of canned vegetables. This is a lot of food, and it is badly needed in these trying times. The north African campaign shows what canned food can do for a sustained drive in military operations, and we should take that lesson to heart. If these men cannot get adequate help, then the food will rot on the ground and never be canned. This would be a sin against our armed forces, to say nothing of the starving millions in the unhappy countries of Europe and Asia. But, you cannot get help unless you pay for it. Last year, we were able to get men to work in the plants for 35 and 40 cents an hour. This year canners will be lucky if they can get them for twice that much, but the O. P. A. will not even permit them to pay more than 60 cents an hour.

Take the case of trucks to move this product. You have to have trucks and the trucks have to have drivers. Last year you could hire a truck and a driver at \$1.00 per hour, which was the going rate, but this year \$1.50 is the going rate, and canners cannot get trucks and drivers at any price less than that.

SPECIFIC PROBLEMS

As to specific problems, the canners submit:

First. The Office of Economic Stabilization must live up to O. P. A.'s promise that wage increases approved by the War Labor Board will be reflected in increased ceiling prices. May I point out in this connection that the 10-cent-per-hour increase recently permitted the canning industry in no case will bring more than 65 cents an hour, while in most cases it will mean a ceiling of 50 and 55 cents an hour for male help in the canneries. It is utterly impossible for canners to secure any male help at these wages, as any male individual less than 70 and more than 12, can get better wages in practically any other industry. To illustrate: A canner at Union Grove, Wis., is restricted to 60 cents per hour for male help, while in the same community, which has only about 1,000 inhabitants, a hemp mill is paying twice that much. There is no chance on earth for the canner to compete successfully in the market against higher wage prices with the ceiling fixed as at present.

Second. The canners believe this is not the time to force Government grades on the industry, but if a single centralized agency in charge of the canning industry determines, after consultation with the industry, that compulsory Government

grading is necessary for price-ceiling enforcement, they will cooperate in making such program as practical and workable as possible. This recommendation can only be worked out by a frank, open discussion in an informal manner with those who know what the subject is all about.

Third. The canners are opposed to subsidies in principle but have now made firm commitments to growers, at the Government's direction, and expect the Government to fulfill its part of the obligation either by increased ceiling prices or by subsidies to the canners.

In that connection, I should like to point out that in 1942 there was a 25-percent increase of price over 1941 in canned goods, but that all this increase in price went to the grower. In 1941 the canner paid the farmer \$48 a ton for peas, in 1942, \$64 a ton, and in 1943 he will pay the farmer \$84 per ton. It is apparent from these facts and figures that the canner does not get the increase in price for his product, but that such increase is passed on to the grower. The profits last year to the canner were less than in 1941, and that in the face of the fact that the 1942 pack was the largest in the history of the State. In 1941, 7,500,000 cases of peas were packed in Wisconsin, while in 1942, 13,000,000 cases of peas were packed, but still the canner made less money.

Fourth. In all cases the experience of the industry should be consulted in advance of promulgation of regulations directly affecting the canning industry, as required by law. Time and again canners have been called in to consult with administration officials only to find that the regulations had been already made, and that the summoning of canners for a conference was merely a meaningless gesture.

A study of these specific problems submitted by the canners would lead any fair-minded individual to the conclusion that the suggestions herein contained are fair, just, and equitable and should receive serious and favorable consideration. These canners are in earnest in their desire to produce food, and in order to avoid a serious food shortage they will work night and day to pack every can of food it is possible to pack. In view of that fact they should not be handicapped and hamstrung by regulations which continuously interfere with their production, nor should they be shuttled from pillar to post when they come to Washington to present their difficulties and seek a sympathetic hearing on their problems.

The canner is a patriotic, loyal citizen whose sons are in the service and who is anxious to render every possible aid to his country. Let us give him a chance.

In that connection I just want to point out one thing. I know a case that happened back in my district, where a canner canned peas. He got a carload order for peas, carrots, and beets. He himself did not produce the carrots and beets, so he bought them from another canner. He sold those to his customer. The O. P. A. regulation had stated that when a canner bought in the market,

from another canner he could sell at wholesale prices. That is what this man did. But the O. P. A. reversed itself a short time afterward and said, "No; the wholesale prices under such situation do not prevail." They said he would have to sell at the processor's price. This man was hailed into a State court and the State judge threw the case out. He said it was outrageous. He was then hailed into Federal court and assessed triple damages. All his troubles and the troubles of most of these cannery are the result of fantastic regulations that have been written in many cases by law students, hundreds of them down in the departments who never tried a lawsuit, who are not familiar with the industry; and they placed restrictions and regulations upon these men that they cannot understand and cannot interpret. I had a letter only last week from an attorney, an outstanding attorney, who has been a circuit judge, who said that he was utterly unable to advise his client, a canner, in regard to the O. P. A. regulation which the canner had brought to him, and said he could not make head or tail out of it.

I want to add in that respect that these men cannot possibly abide by these regulations that are written by somebody either, as I say, who is just out of law school and knows nothing whatever of the problems, or else had read a book by Karl Marx, or has received a doctor's degree on some thesis that he wrote on the cranberry and how it cares for its young. That is the sort of thing that these men are up against.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. SAUTHOFF. I yield.

Mr. AUGUST H. ANDRESEN. I thank the gentleman for his statement. I think our primary objective should be to get food for the American people and for our armed forces, and by assisting the cannery in their difficulties with the O. P. A. and other agencies we are assisting the American people in getting canned foods. The gentleman has indicated that the cannery are paying the producers higher prices for corn, peas, and some other vegetables. That is true, but they are paying the higher price because the Department of Agriculture ordered them to pay such price, and they were to be reimbursed through the payment of a subsidy which they had already passed on to the producer.

Mr. SAUTHOFF. That is right.

Mr. AUGUST H. ANDRESEN. The Commodity Credit Corporation claims it has the authority to pay this subsidy. Commitments have been made in contracts with the cannery which they have signed with the producers. The gentleman from Texas [Mr. PATMAN] offered an amendment in the Committee on Banking and Currency to the Commodity Credit Corporation bill which would prohibit paying these so-called subsidies to the cannery for the cannery to turn over to the producers. I hope that when the gentleman from Texas follows you he will explain how they are going to take care of the producers of these vegetables for canning purposes.

Mr. DILWEG. Mr. Speaker, will the gentleman yield?

Mr. SAUTHOFF. I yield.

Mr. DILWEG. In regard to the question propounded by the gentleman from Minnesota, added to the amendment offered in the Committee on Banking and Currency was an amendment offered by the gentleman from Oklahoma [Mr. MONRONEY] to the effect that any commitment made by the Commodity Credit Corporation would not be affected by its subsidy amendment until 60 days after the enactment of the act, in which event it would not affect the 1943 crop.

Mr. AUGUST H. ANDRESEN. I read the amendment carefully, and I have tried to construe it, but the amendment is not very clear. If there is any question about the payment of these obligations that the Department has already made, it should be made clear when the amendment comes up for consideration.

Mr. SAUTHOFF. Incidentally, I notice by the paper that Senator MURRAY has offered some amendments which I thought were excellent amendments. I should like to see them adopted. I do not want to go into the details of those amendments here.

Mr. DILWEG. I would suggest that the gentleman include the amendment that was offered by Senator MURRAY in his remarks. I think the House is entitled to look at those amendments as they review your remarks made here today.

There is another question I would like to ask the gentleman, and that is: It appears that the cannery are confronted today with two problems. One is the question of getting labor and being permitted to pay them a reasonable amount to induce them to work, and the other is where they stand on the subsidies. Is that correct?

Mr. SAUTHOFF. That is right.

Mr. DILWEG. Can you give us additional information covering the approximate cost per can, that is the increased cost per can, that the reasonable wage paid to this labor that is so necessary would involve?

Mr. SAUTHOFF. About one-fourth of a cent per can.

Mr. SHAFER. Mr. Speaker, will the gentleman yield?

Mr. SAUTHOFF. I yield to the gentleman from Michigan.

Mr. SHAFER. I would like to add that another trouble is the failure of the O. P. A. to set ceiling prices in many instances. The Michigan cannery were here Saturday along with the Wisconsin cannery, and in one instance where the O. P. A. had failed to set ceiling prices on food packed in glass bottles, one canner had more than 200 cases on the floor of his warehouse for more than 8 months. Certainly there is no excuse for that.

Mr. SAUTHOFF. That is right.

Mr. SHAFER. Another thing I want to bring out here in support of the gentleman's statement, in which I appreciate very much, his bringing up this subject today, is the fact that the cannery are unable to compete with wartime labor in our section, and certainly with most of these cannery that is true, par-

ticularly if they are located in small towns. One instance, in the little town of Fremont, Mich., a town which I think has a population of 700, in the canning season they employ possibly 600. In their canning factory in the last year, due to the failure of the O. P. A. to set ceiling prices, fix a higher wage for them, they have had more than 1,800 employees in that factory as a result of their turnover.

I could go on here for quite a while, but I just want to point out one more thing, that is, the failure of the O. P. A. to do this job has caused the Michigan farmers to lie back and not produce and the cannery cannot make a contract with the farmers.

Mr. SAUTHOFF. I thank the gentleman for his contribution.

Mr. SMITH of Wisconsin. Will the gentleman yield?

Mr. SAUTHOFF. I yield to my colleague from Wisconsin.

Mr. SMITH of Wisconsin. Is it not a fact that 75 percent of the Wisconsin pack is going for military purposes?

Mr. SAUTHOFF. That is right.

Mr. SMITH of Wisconsin. Another thing in this matter is the delay which is occasioned by the O. P. A. in passing on the request the cannery have had pending for a month, for some increase under the wage order that will permit them to pay a fair rate to their help in these packing plants.

Mr. SAUTHOFF. That is correct. Now, let me add that the gentleman from Wisconsin [Mr. SMITH] has a canner down in his district at Union Grove, a place of about 1,000 inhabitants, where he is up against this problem. He can only pay 55 cents, or something like that, as a ceiling when, at the same time, there is nearby a hemp mill that is being built where they are paying about \$1.25 an hour.

Mr. SMITH of Wisconsin. One dollar and ten cents, to be exact.

Mr. SAUTHOFF. One dollar and ten cents. That is just double.

Mr. SMITH of Wisconsin. That is correct.

Mr. CURTIS. Mr. Speaker, will the gentleman yield?

Mr. SAUTHOFF. I yield to the gentleman from Nebraska.

Mr. CURTIS. We are indebted to the gentleman, and I appreciate very much his bringing this matter to the attention of the House.

I might point out that it has been called to my attention that the growers of peas in my State are mowing their peas down and are using them for stock feed because they absolutely cannot afford to take the prices the cannery can pay. In other instances they are going to turn their hogs in on them because they cannot do anything else.

I would like to ask the gentleman this question: Do you not think that the agencies that fix the price of wages, as well as the price of food, wholesale, retail, and to the processor, should concern themselves with adequate food production; and is that being done?

Mr. SAUTHOFF. I think they should. I think that could have been done if we

had had the same system that Great Britain has, where they centralize control in one man. But, by diversification, they have had to run around to six or seven agencies and never can come to an understanding, and it has left these men in such a plight that they want to get out of the business.

Mr. ANGELL. Mr. Speaker, will the gentleman yield?

Mr. SAUTHOFF. I yield to the distinguished gentleman from Oregon.

Mr. ANGELL. I want to commend the gentleman for his discussion of this subject, which is vitally important, not only to the districts here in the East and the Middle West, but away out West in my district, in Oregon.

I desire to call attention to two problems, one price ceiling and the other wages. The growers are just about now ready to market a large crop of berries, strawberries. I received a telegram only today saying that the entire crop is going to be destroyed unless they are permitted by the Government authorities, those in charge, to pay wages that will compensate the workers on a parity with the wages paid in the districts.

In that connection, Mr. Speaker, I ask unanimous consent that I may include at this point in the RECORD an item from the New York Times, and also a telegram I received from the Paulus Brothers Packing Co., of Salem, Oreg.

The SPEAKER pro tempore (Mr. MANSFIELD of Montana). Without objection, it is so ordered.

There was no objection.

The matter referred to follows:

[From the New York Times]

PROCESSORS FEAR LOSS OF VEGETABLES PACK—NORTHWEST GROUP LAYS SITUATION TO FEDERAL AGENCIES

PORTLAND, OREG., June 5.—Food processors of the Pacific Northwest today charged that the fumbling of manpower and price problems by Federal agencies had caused the loss of thousands of tons of early vegetables. The processors made their charges at a conference called by the Federal Farm Credit Administration, which makes loans to most of the cooperatives that were represented at the meeting.

J. W. Mayo, executive secretary of North Pacific Cannery & Packers, Inc., accusing the Office of Price Administration, the War Labor Board, and other Government agencies of regarding the manpower and price situations as "apparently political rather than economic problems," said:

"It's just fumble, fumble, fumble all the time. Already we have lost thousands of tons of spinach, asparagus, and peas, and the season has only started. If the problem is not solved within 10 days, Gresham (a growing center near Portland), for instance, may not have a strawberry pack this year."

The processors contended that adjustments in wages and price ceilings must be made immediately to insure handling of an estimated \$8,000,000 worth of canned, frozen, and dehydrated fruits, vegetables, and milk products in Oregon and southern Washington. The lowest practicable wage scale that could attract adequate manpower was 85 cents an hour for men and 70 cents for women in metropolitan areas, 5 cents less in rural sections, they said; an increase of 2½ to 5 cents over current scales.

SALEM, OREG., June 14, 1943.

HON. HOMER ANGELL,
House of Representatives,

Washington, D. C.:

Recent press release by Dr. Noble of Seattle War Labor Board, stated that National War Labor Board had approved his recommendation of basic cannery wage scales of 66½ cents for women and 80½ cents for men in metropolitan areas and 3 cents less in outlying districts. Upon contacting him we find, first, these wages affect common labor scale only. In other words we cannot raise wages of workers now being paid more than base scale, result of which puts experienced keymen on pay basis less than common labor which this year is comprised mostly students and old men. Second, that these wage advances can be made only if no increase in our ceiling prices is asked for from office of Price Administration. Our annual pay roll is approximately \$500,000, an increase which we are asked to assume would total \$125,000 and to assume this as you can readily realize would put us out of business. We have already lost numerous highly trained men to war industries due to their higher wage scales and it is imperative now that we increase wages of balance of our regular employees as well as seasonal employees necessary to process rapidly ripening crops. We have about 100 regular employees and we employ 1,600 people during our peak period of summer. The War Labor Board's job-freezing order instead of being help is detriment insofar as securing necessary help is concerned. We will appreciate any assistance you can give us by forcing immediate action by Office of Price Administration in allowing us to include wage advance in our price ceilings and also relief from War Labor Board in connection with wages of workers affected by basic scale ruling. Above situation is typical of practically every-canner in Oregon and entire Northwest and is so serious that unless something is done immediately the processing of crops may be impossible.

PAULUS BROS. PACKING CO.

Mr. JENKINS. Mr. Speaker, will the gentleman yield?

Mr. SAUTHOFF. I yield to the gentleman from Ohio.

Mr. JENKINS. I wish to say to the gentleman that what he has outlined is not only applicable to his State, but is applicable to every State in the Union, and more or less to thousands of growers and canners in the State of Ohio.

The Food Study Committee that has been studying this problem for the last month or so has a special subcommittee that has given a great deal of attention to this matter. They have had witnesses before them, they have had growers and canners and they have developed this one fact—I think the gentleman knows about it already—there are great quantities, especially of asparagus, in the warehouses in California and some eastern sections of the United States, great quantities of asparagus that is in the way, on which the price has not been fixed, and it is apparently the congestion, or the inability, or the recklessness or whatever the trouble is down below which just paralyzes things, and it is so far-reaching that it is almost going to be a cataclysm.

Furthermore I wish to say that the Ohio delegation representing the canners last week, last Friday or Saturday, went down to see Mr. Vinson. Every-

body knows whoever sat in this Congress when Mr. Vinson was a Member of this House that he is one of the most brilliant men who ever served here, capable and brilliant in every way, and I am sure he will make a good administrator if they will let him alone; but these men went down and talked with Mr. Vinson. He, of course, is a new man on the job. He gave us every assurance that he would be glad to do all that he could, but he said this, which has developed in so many instances: "You have got to bring the matter up from below, bring it up from some other source to me and I will pass on it."

I want to see the time come that a bill which has been recommended by our Food Study Committee passes this House establishing all this agricultural activity under one head, and let it be Chester Davis. I think every Republican would be satisfied if it were Chester Davis, but let us get unison, let us get centralized. Then we will go somewhere.

Mr. SAUTHOFF. The other day when there was a discussion here the gentleman from Texas [Mr. PATMAN] said he favored Chester Davis, and I think most of us who knew Mr. Davis and had contacts with him have a lot of confidence in him, because he has understood agriculture and he would know what to do with its problems.

The gentleman spoke of Mr. Vinson's statement that the matter had to come up from below to Judge Vinson. My only answer is that if you do not do it there will not be anything to bring up from below because you all know that these foodstuffs are highly perishable; you cannot hold them, they spoil overnight. We are going to be in the fix where we have either got to go ahead and can or else let it rot, and it will not take long.

Mr. AUGUST H. ANDRESEN. Mr. Speaker, will the gentleman yield?

Mr. SAUTHOFF. I yield.

Mr. AUGUST H. ANDRESEN. I have had a great deal of experience with these supermen down in O. P. A., and I have come to the conclusion that they are more interested in putting over their favorite ideas than they are in securing the production of food for the American people and for the men in our armed forces.

As I size up the situation, these canners need to pay additional wages in order to get the help to can these vegetables. The War Labor Board has granted an increase but the O. P. A. refuses to add a few cents per case to cover this extra overhead.

Mr. SAUTHOFF. The gentleman is correct.

Mr. SMITH of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SAUTHOFF. I yield.

Mr. SMITH of Wisconsin. Is it not a fact that already Chester Davis is being bypassed and these complaints and questions taken to Mr. Vinson?

Mr. SAUTHOFF. I do not want to pass on the priorities down in the agencies, but I do want to state the difficulty the

canners are in and I want to see the canners get more help.

Mr. MURRAY of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. SAUTHOFF. I yield.

Mr. MURRAY of Wisconsin. I think I read the gentleman's mind: That we are not particular who does it nor what party nor what faction does it.

Mr. SAUTHOFF. That is right; we want to get it done.

Mr. MURRAY of Wisconsin. All we are interested in is getting this done; and if we do not get it done it is not going to be the canners who will suffer, it is going to be the American people.

Mr. SAUTHOFF. The gentleman is correct.

Mr. MURRAY of Wisconsin. And it is not going to do us any good to appropriate money to get labor in here from Jamaica, Bermuda, or anywhere else to raise produce if we do not see that the produce gets into the cans after it is produced.

Mr. SAUTHOFF. I agree with the gentleman.

Mr. HULL. Mr. Speaker, will the gentleman yield?

Mr. SAUTHOFF. I yield.

Mr. HULL. I wish to call attention to one situation which has come up since our meeting with this gentleman in his office yesterday; it came in this morning. We have 25 large pea canneries in my district. The draft boards are taking the boys now who are arriving at the age of 18, I believe it is, boys who were trained in last year's canning operations to manage certain lines in the canneries. The consequence is that this skilled labor which has been obtainable from the high schools in some of these canneries is not going to be available unless we get a reversal of the draft boards' orders on these young men.

Another thing, there is a great shortage of help in our section of Wisconsin. We have had a very cold, backward spring, but things are coming along all right now. We are likely to have at any time very hot weather. That will rush the pea crop and it will take an extra force of men and women to handle the product or else it will spoil before it is ready for canning.

Mr. SAUTHOFF. Mr. Speaker, let me say in conclusion that this is not a matter of political parties or political philosophy. It is merely a matter of getting some food out and getting it out now when the time is ripe for the production of this food. It cannot be delayed. It is one of those things that is seasonal, the crop is highly perishable, and if it is not produced now it never will be for this year and we will have to go into next year. I might add that most of these men, being small independents, cannot stand the loss they would have to take financially and they might be put out of business. We need them badly next year even if they cannot turn out anything this year.

The SPEAKER pro tempore. The time of the gentleman has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. HARTLEY. Mr. Speaker, I ask unanimous consent that today after all previous orders have been completed, I

may be permitted to address the House for 10 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey [Mr. HARTLEY]?

There was no objection.

The SPEAKER pro tempore. Under previous special order, the gentleman from Texas [Mr. PATMAN] is recognized for 10 minutes.

ONE FOOD AGENCY

Mr. PATMAN. Mr. Speaker, I was very much interested in what the gentleman from Wisconsin had to say about one food agency. Much consideration and thought has been given to that question. It is a very serious question. The Congress, as has been discussed here, not wanting to place confidence in the Office of Price Administration, at one time when a price-control bill was before it, inserted an amendment which provided that the Secretary of Agriculture must approve all prices relating to agricultural commodities. That divided responsibility.

Now we go to the O. P. A., we insist on a certain thing, and the O. P. A. will say: "Well, we have submitted to Agriculture our proposition how to cure this. Agriculture does not agree with us." We go to Agriculture and Agriculture says: "O. P. A. is wrong. We want to do it thus and so." Therefore, there is no agreement and there is nothing to go to the economic stabilizer on because nothing has been done to unstable the economic situation. If a price increase is recommended, then it goes to the Director of the Board of Economic Stabilization, but unless there is an increase in price recommended there is nothing to become unstable, and it does not go to the Director of the Board of Economic Stabilization.

So the point is that this divided authority leads to much confusion and often it is against the war effort. It is also against the interest of the people. When we know this we should make an effort to adjust it and I think the best way to adjust it is by having one agency.

ECONOMIC STABILIZER SHOULD HAVE POWER

The gentleman from Ohio [Mr. JENKINS] introduced a bill which provides that that one agency shall be the Department of Agriculture. I have an amendment to a bill approved by the Banking and Currency Committee which would provide that the Honorable Chester Davis, who is Food Administrator at this time, should be that one person to have complete and full charge of foods, including production, distribution, price, and everything else. But I have been studying this a great deal and I have come to the conclusion that we are both wrong, and I do not say that I am committed, that I will not change. I think we should have that power in the Director of Economic Stabilization, then we would have that one person to look to. If we have a problem like you have with the canneries, you have one person to go to who can make the decision. If we send it to Agriculture and give them all the power there is another step to be had. After he makes his decision it goes

to the Board of Economic Stabilization and we have not finished. We are dealing with someone who does not have the final authority. If we place it in the hands of Chester Davis and he makes his decision, if it is against us it does not go to the Board of Economic Stabilization at all. If it is for an increase in price, we will say, and there is a tendency to unsettle the economic situation, then it goes to the Board of Economic Stabilization and it is passed on by that agency. The point is we are placing it in people, or attempting to, who will not have the final say. So why not now place it in the Director of Economic Stabilization and say to him, "It is your duty, it is your responsibility; we are looking to you and looking to you only." If we do that, I think we will have an opportunity of getting these mistakes and errors that are clear and unmistakable adjusted in much quicker time.

Mr. JENKINS of Ohio. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Ohio.

Mr. JENKINS of Ohio. If the gentleman puts it in the hands of the Economic Stabilizer, that Economic Stabilizer has a thousand things to do. He is going to be stabilizer of everything, not only of foods, but he will have everything else to stabilize.

Mr. PATMAN. That is very true.

Mr. JENKINS of Ohio. You are doing exactly what you ought not to do if you want to centralize it.

Mr. PATMAN. The gentleman is asking a good, constructive question. At the same time he will have the responsibility. While he has the power, he has the responsibility. Any man will have plenty to do that has this in charge. He can refer part of it to Mr. Davis, he can refer part of it to O. P. A., he can refer part of it to Mr. Wickard, but the point is that he will be charged with the responsibility. He cannot say, "Go and see Mr. Wickard," "Go and see Davis," "Go and see Brown." Mr. Vinson is the man that has it in his own hands, the responsibility is on him, but he may ask other people to make the investigation and report to him. However, he is the man who has the responsibility.

Mr. AUGUST H. ANDRESEN. Will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Minnesota.

Mr. AUGUST H. ANDRESEN. I know the gentleman is aware of the fact that one of the main complaints against the O. P. A. is due to the large number of inexperienced men down there who have made certain policies.

They have not had any practical experience either with canning or with agriculture or with the production of food, and they have refused to listen to men who are experienced in these lines. Does not the gentleman believe it would be much better for this agency to go over into the Department of Agriculture, where they have men trained and experienced in food production and food distribution?

Mr. PATMAN. I heard the gentleman last week when I asked him to name

some who were objectionable. I think he named a Mr. Hoffman, did he not?

Mr. AUGUST H. ANDRESEN. Hoffman resigned this morning.

Mr. PATMAN. I know, but he went back to Agriculture.

Mr. AUGUST H. ANDRESEN. I named others. I named Dr. Galbraith, I named Mr. Hamm, I named Mr. Ginsburg, and I named Mr. Baker, and I could give the gentleman the names of scores of others.

Mr. PATMAN. I think the gentleman will be rendering a distinct service if he will give those names for the RECORD at different times and give them to Mr. Brown—I presume he sees the RECORD—and insist that corrections be made. I do not believe we should have inexperienced men at the head of these departments. If they are inexperienced and know nothing about the business, then they do not know how to take competent advice and they are not qualified to pass on it.

Mr. AUGUST H. ANDRESEN. They are the ones who have been doing it.

Mr. PATMAN. I do not say that all of them are that way, and I do not believe the gentleman says they are all that way. I will say that too many of them have been that way in the past. Even one is too many. When we find one like that, we should try to get rid of him. Some of them have been discharged.

Mr. AUGUST H. ANDRESEN. They have had some very fine, practical businessmen in the O. P. A. and they still have some, but I know of several who have gotten out of there and resigned, or were forced to resign, because these superintellectuals, as I call them, would not listen to practical advice and experience.

Mr. PATMAN. We want to get rid of that type of person, but at the same time we must remember that we are in the legislative branch of this Government. The Constitution, when it was made, clearly defined our duties. I sometimes believe that Members of Congress hold out too much hope to their constituents. When they come to us with their problems we are more or less inclined to become optimistic and say, "I am going to help you get that adjusted; we will get it changed." Yet it is something that is in the executive department, it is not in the legislative branch at all. We have no power to hire and fire people in the executive department. We have a duty that is clearly defined. The makers of the Constitution, this great document of ours, said the Executive would have charge of faithfully executing all the laws, and he is responsible to the people, he is elected by the people just as we are. I just wonder sometimes if the legislative branch of the Government does not sometimes try to go too far in running the Executive's part of the Government.

Mr. AUGUST H. ANDRESEN. I think we are reaping some things that have been sowed during the past 10 or 12 years, when the majority in Congress have built up this tremendous bureaucracy who now fail to recognize the legislative branch of the Government and

do just exactly as they please irrespective of the intent of Congress. We are trying to recapture some of that power. A good many men have come into the administration who do not believe in Congress.

Mr. PATMAN. That is very true. The gentleman says, "have come into the administration who do not believe in Congress." I do not know about that, I cannot certify to that. If the gentleman knows, of course I am not questioning his veracity on it at all.

Mr. AUGUST H. ANDRESEN. During my years in Congress—and I have been here a good many years with the gentleman—there has always been at least some cooperation between the majority party and the administration that is in control so that they could adjust some of these things, but now even the best Democrats cannot go down and do anything with these men who have taken over the control of our administrative affairs.

Mr. PATMAN. We have more problems today than we ever had before in history. We had no notice of that Pearl Harbor attack. We did not know it was going to happen. It threw our country into lots of confusion. We were not prepared. We should have been prepared long years ago. We have made lots of mistakes. We made a mistake by not helping China 6 years ago. We made a mistake by not fortifying those bases out in the South Pacific. We made mistakes by not preparing this country, but those mistakes are in the past. When we were attacked by an enemy we had to begin to get ready. In order to get ready we had to change our whole form of government. We had to regiment the people. We had to do lots of things they were not used to. We had to deprive the people of things they had gotten used to and which they do not like to be deprived of. So we have had more problems than we ever had before.

Mr. VORYS of Ohio. Mr. Speaker, will the gentleman yield?

Mr. PATMAN. I yield to the gentleman from Ohio.

Mr. VORYS of Ohio. As the gentleman says, we Congressmen have come to be not only Representatives in Congress but representatives in Washington of our constituents, attempting to secure information and advice for them.

To come back to this canning situation, I confess that I have been unable to devote much time to the study of the situation, but may I ask the gentleman this. Is it true that we face the probability that we shall lose a canning crop because of the regulations from Washington?

Mr. PATMAN. I hope not, certainly; if it were all under one person I am sure it would not happen.

We have more problems than one. We have a manpower problem, and we have transportation, and lots of other problems in connection with this matter. They all cannot be ironed out by O. P. A. or by Agriculture, or by Manpower. It takes all of them working together, but if we have them under one person then I do not think that one per-

son would let these mistakes be made, and that is what I would like to see. I would like to see it under one person.

FACING RUN-AWAY INFLATION

Mr. Speaker, this is what I wanted to say when I rose first. Our country is facing ruinous inflation. There are more signs of run-away inflation today than I have ever seen in this country. I could point out to you lots of signs that really represent the handwriting on the wall. This Congress should be doing something about it. It means almost equal to losing the war, if we lose this fight against inflation. There are two major problems facing us. One is winning the war, and the second one is preventing inflation here at home to save our country on the domestic front. Last week the people of this Nation asked for and received \$300,000,000 in new money. They put that money in their pockets, or in their socks, or between their mattresses. At least they kept the money out of the banks. They kept it out of a place where a record might be made—\$300,000,000. During the past 12 months \$5,000,000,000 have been taken out like that in new money, and hoarded. It is \$10,000,000,000 more than the normal amount needed in the pockets or in the tills of the people to do business that the people do. There is something wrong about that. Why are they doing it? Is not that a kind of arrow pointing in a certain direction? Two or three things could happen.

Of course, some people say they can handle transactions in cash and maybe avoid income taxes. I do not think many people do that. I think the number that would draw out cash and keep it for that purpose would be insignificant, and would not amount to much, but there are people who say that they are afraid of forced savings. If they have their money in the banks, and a bill should be passed or a regulation enforced that seizes or freezes those savings, they would not have a chance to get the money back, and if they have it in their pockets, or between their mattresses, it cannot be reached through forced savings. I do not know what is happening, but it looks like a flight of money to commodities, when people are willing to pay any price to get certain things.

I hear it said all the time that in England they have only a few hundred people enforcing the price administration, and I heard the statement made the other day that in Canada there are less than 100 people enforcing the price laws of Canada. They have only about 8 lawyers, while down here we have 2,700. Let me tell you something of the difference which you ought not to overlook. In England and Canada the people are taxed very heavily. The money that would normally go into channels of trade, used to purchase goods essential or not essential, is taxed and taken away from the people to pay the war debts of England and Canada. They do not have much money to buy these goods, and price control is a very simple problem.

If we taxed the people of this country today to pay our debts on the same basis

and according to the same ratio as they tax them in England, price control would not be much of a problem in this country, because the people would not have all of these tens of billions of dollars to buy these different commodities with. So, with all of the money that we have and the low taxes, we have got to control prices in some way or face ruinous inflation in this country, and inflation is something that will destroy a nation. One of these days, if something is not done to stop it, the people in the civil service, in your home towns, the postmasters and the rural carriers, and the clerks will write you a letter and say they appreciate the \$300 increase which you gave them, but they now find that they can only buy half as much with the money they have with the increase and some say they can only buy one-quarter as much and the first thing you know our dollars will be worth dimes because the value of that money is going down all the time and if we do not realize the importance of ruinous inflation and do more to stop it, our country can lose as much in property values as we could lose if we would lose the war. We must face the issue with taxes.

We must absorb a great deal of this additional purchasing power. That is one way. There are many other ways it can be done, but that is the main way to do it. The President has asked for \$16,000,000,000 more to draw that money off, not only to pay debts with it, but to keep it out of competition and keep people from bidding too high on different goods. We have not done much about it. We passed a bill; instead of giving a lot of extra money we are forgiving a lot of money which is in the direction of inflation and not in the direction of deflation.

So I say this Congress must realize that taxes must be levied and assessed until it hurts, because it is necessary to prevent ruinous inflation, and ruinous inflation would destroy the country.

I heard it said the other day that price control is so easy. I do not agree with that. I know many mistakes have been made in price control. I could enumerate many things that I detest and I cannot understand why they have been done. But at the same time we must have price control. There are 8,000,000 commodities in this country that are subject to price control. You cannot control 8,000,000 commodities or half that number without a lot of confusion. There will naturally be a lot of confusion. Some people say we should not have luxuries under price control. They say, Why have furs under price control? Why have diamond rings and pianos? I will tell you why. A fur dealer who makes \$100 profit on selling furs has that \$100 in his pocket in competition with all of the other money that is seeking the same commodities that he will want. The man who sells a diamond ring or a piano and makes a handsome profit, has that handsome profit in his pocket and it goes into competition with all the other money held by people who are seeking a supply of goods, which causes more run-away inflation. So I say to you that one of the most serious problems fac-

ing this country today, one of the major problems, is to stop this trend toward run-away inflation.

The SPEAKER pro tempore. The time of the gentleman from Texas has expired.

PERMISSION TO ADDRESS THE HOUSE

Mr. BENDER. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes after the special order of the gentleman from New Jersey [Mr. HARTLEY].

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to proceed for 5 minutes after the gentleman from Ohio [Mr. BENDER].

The SPEAKER pro tempore. Without objection, it is so ordered.

There was no objection.

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New Jersey [Mr. HARTLEY] is recognized for 10 minutes.

THE OIL SITUATION ON THE ATLANTIC COAST

Mr. HARTLEY. Mr. Speaker, this afternoon my distinguished friend and colleague from Indiana [Mr. HALLECK] took occasion to call attention to the fact that those of us on the eastern seaboard are endeavoring to find some of the answers to the very grave gasoline and fuel oil crisis that exists in our territory. The gentleman from Indiana [Mr. HALLECK] took occasion to warn us that we should not ask for an extension of rationing unless that extension of rationing into district No. 2, the Midwestern States, would provide some relief for us. I want to assure my colleague that the attitude of those of us on the eastern seaboard is not that we wish to have our headaches and our troubles extended to the Midwest or any other section of the Nation unless by so doing, by extending rationing, it will provide some relief for us.

May I add that I believe we are prepared to prove that an extension of rationing and the release of these supplies from district No. 2 will not, as the gentleman suggested, release more than 15,000 barrels of fuel oil per day, but we will be prepared to show that we can obtain upward of 200,000 barrels of petroleum per day.

Our difficulty is, in large measure, the result of lack of long-range planning. One of the suggestions that our committee or our conference has already adopted is that the Baruch committee, which has the confidence of the American people, be reorganized to investigate the entire gasoline picture and make whatever recommendation it deems advisable. I am satisfied that if that is done, if the Baruch committee is reorganized and tells those of us on the eastern seaboard that we have to give up all but essential driving, our people will be only too willing to comply with that recommendation. But as the matter stands today, there is no really organized planning. There is nothing but confusion. There are a number of people who are under the impression that this entire

problem is under P. A. W. That is far from the fact. As a matter of fact, O. P. A., in my opinion, one of the most infamous agencies of this Government, is largely involved. I call the attention of this House to the fact that it does not make any difference whether we have a million or two or three million barrels coming into the eastern seaboard as long as the present coupon system of gasoline rationing is still in effect by the O. P. A.

I hold in my hand a copy of the Newark News of Thursday evening last. The leading headline points out that in one small cleaning and dyeing establishment 35,000 gas coupons were seized, the value of which is a total of 110,000 gallons of gasoline. As I said before, it does not make any difference how much gasoline is transported to the eastern seaboard, as long as this inefficient coupon system is in effect it will do us no good. So it is not only a question of adopting a proper long-range program on the part of P. A. W., but also to bring some sense into the rationing on the part of O. P. A. I am satisfied that if the barge canal system and the Great Lakes system were fully utilized, if additional pipe lines were constructed that should be constructed, and if the tank cars that are now being used in district No. 2, which are still hauling petroleum into district No. 2, were put into service in the East, the situation would be greatly relieved. I want to make it clear that there is no disposition on the part of our committee to attempt to spread our troubles to any other section of the Nation unless by so doing we will find some relief.

This is not just a war for the eastern seaboard. It is a war in which the entire country is involved, and I do not believe that it is proper on the part of any Representative to get up and suggest that if by extending rationing the eastern situation will be relieved, that it should not be done.

Only on Saturday morning the distinguished gentleman from Pennsylvania [Mr. GRAHAM] pointed out that although his district is an oil-producing district, and although an A coupon in his district is worth 2½ gallons, petroleum is being shipped out of his district across the river into Ohio, where an A coupon is worth 4 gallons and where there is no ban on pleasure driving. To me that does not make good sense. I do not want anyone to get the impression that in the eastern seaboard we are interested only in pleasure driving. But let me call your attention to a recent O. P. A. ruling. That ruling provides that a person may not drive his car to his summer home unless he is going there for the purpose of cicing it up and then making the return trip. He cannot drive to his summer home, stay there all summer, and then return at the end of the summer.

I am not attempting to defend the business of making a trip every week end and back, but I would like anyone to show me how any more gasoline is saved by permitting a person to drive to his summer home, close it up, and come back than if he goes and stays all summer and comes back at the end of the summer. And yet that is a sample of some

of the O. P. A. rulings. And, just to make it clear, and I do not want to have any particular argument with my friends from the Middle West, because we have no desire to harm them, but we are merely interested in seeing that we get gasoline on the eastern seaboard, and we are going to take such steps as we can to see that we do get gasoline and fuel oil for our constituents.

The SPEAKER pro tempore. The gentleman from Ohio [Mr. BENDER] is recognized for 5 minutes.

GASOLINE SHORTAGE AND TRANSPORTATION

Mr. BENDER. Mr. Speaker, we in the Middle West, particularly Ohio, have no argument or quarrel with our friends in the East. There is no shortage of gasoline at the source; there is no shortage of supply at the source. This is clearly a problem of transportation. Let me call to the attention of the gentleman from New Jersey [Mr. HARTLEY] and our other colleagues from the East, that the O. P. A. is not the only agency responsible for our dilemma. The Office of Defense Transportation is not efficiently handling the tank cars which are used for transporting gasoline. There are 150,000 tank cars in the United States, of which 55,000 have been allotted to district 1, that is the district on the east coast. These tank cars according to O. D. T. regulations are supposed to make a round trip from source to refinery in 15 days or an average of 10 miles per hour in speed. However, the O. D. T. directives are not being enforced, because the trains carrying the tank cars are permitted to pick up other freight en route from the source to refineries. If the oil trains ran as fast as commercial freight manifests, the oil delivered on the east coast could be tripled or even quadrupled.

Those trips involve some 3,600 miles, and as long as that practice is engaged in, you are going to have a shortage of supply in the East, with the shortage of sufficient pipe lines which are not being constructed as speedily as they should be.

Let me call attention to the number of workmen diverted to the construction of war plants which are not now being used; in my own city, if those men had been used in the construction of pipe lines you would not have as grave a problem in the East as you have, and if the 55,000 cars allotted to district 1 in the East traveled even for the 15-day period allotted by the Office of Defense Transportation, you would not have the shortage that you have experienced in the East.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BENDER. I yield to the gentleman from Massachusetts.

Mrs. ROGERS of Massachusetts. The O. D. T. told me only Friday that Mr. Eastman had issued a directive to the presidents of the railroads telling them to immediately ship back empties at rapid speed from the destinations from which they came, which would help considerably if that were done.

Mr. BENDER. I will say to the gentleman from Massachusetts that the

seat of the trouble is that we have confusion worse confounded right here in Washington. One agency issues orders and another countermands, creating a bedlam as a result of the lack of coordination on the part of the agencies involved not only in the distribution of gasoline but affecting every other problem.

Mrs. ROGERS of Massachusetts. It would be much better, where the Petroleum Administration is concerned, if the one office handled price control and distribution and all matters pertaining to oil and gas.

Mr. BENDER. I think the gentleman is absolutely right.

Mrs. ROGERS of Massachusetts. And Canada has been warm throughout the whole winter when we have suffered cold throughout the East. Does not the gentleman believe that a revival of the Baruch committee, to give this subject the same impartial study it gave to synthetic rubber, might help a lot in view of the public confidence there would be in the accuracy of its statements?

Mr. BENDER. I will agree with the gentleman insofar as the manner of handling this problem as the rubber problem was handled, but the gasoline rationing program in our part of the country was put into effect because of the alleged shortage of rubber.

Mrs. ROGERS of Massachusetts. That was the original reason in the East; a reason that proved to be a fallacy.

Mr. BENDER. Exactly. Under the present policy, however, you have wholesale absenteeism due to this gasoline rationing in your part of the country.

You have curtailment in the production of agricultural products. It does not make sense since there is a shortage of food, and every farm expert tells us that there will be a shortage of food, to have the condition extended to our part of the country and create more absenteeism and a greater shortage of food as a result of invoking the additional rationing in the Middle West.

The SPEAKER pro tempore. The time of the gentleman from Ohio has expired.

Mr. BENDER. Mr. Speaker, I ask unanimous consent to proceed for 5 additional minutes.

The SPEAKER pro tempore. The Chair would remind the gentleman that there is another special order pending.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. BENDER. I yield.

Mrs. ROGERS of Massachusetts. Does the gentleman realize that gasoline stocks in district 2 are some three or four million barrels higher than they were a few months ago, whereas our stocks are very materially lower? It would take only 2 or 3 months, bringing in 200,000 or even 150,000 barrels a day, for us to get our stocks up a little so we could go ahead with some of our business.

Mr. BENDER. I am sure if the gentleman heard the statement I made

regarding the 55,000 tank cars being used for the East as they should be rather than having them wait at various places to take on additional freight, if those cars were used as they should be exclusively in trains made up of gasoline cars or oil cars rather than running them in with all kinds of mixed freight, I am sure the gentleman would have the relief she craves—that together with the extension of pipe lines—with greater dispatch.

In our part of the country we are just as patriotic as folks in any other part of the country, and we are just as anxious as they to win this war as speedily as possible, but it would be a rather shortsighted policy to extend this rationing without first exploring the entire issue and without first coordinating all these agencies so we might have a unified program. I am sure no one in Ohio is happy about the conditions in Massachusetts or New Jersey; I am sure there is a very decided feeling that this matter should be corrected, and that it should be corrected soon.

Mrs. ROGERS of Massachusetts. Will the gentleman go with us and will the people of his district go with us to Secretary Ickes and those in authority and see that something is worked out? I am sure the distinguished gentleman would share with us for 2 or 3 months some of the gasoline they have. We have suffered for a year and a half under rationing.

Mr. BENDER. We would most certainly do everything in our power to see that the gasoline needed in the gentleman's section of the country is made available to the greatest extent it can be made available through the proper use of transportation facilities. These facilities are not being used to anything like their maximum capacity.

Mrs. ROGERS of Massachusetts. Would you be willing to give up pleasure driving for a time?

Mr. BENDER. I can speak for only myself, but I may say that as far as pleasure driving is concerned in my own State I do not believe there are many people who are using gasoline to any great extent that is not absolutely essential, because the quantity of gasoline allotted to us, the gentleman can appreciate from her experience with the gas allotted to her, is not adequate.

Mr. HARTLEY. Mr. Speaker, will the gentleman yield?

Mr. BENDER. I yield.

Mr. HARTLEY. We are not revealing any military secrets when we state that our difficulties are very largely the result of the great demands for petroleum products on the part of our armed forces.

Mr. BENDER. That is right.

Mr. HARTLEY. That with the prospective events we believe to be in view the situation is not going to get any better but may get considerably worse.

Mr. BENDER. The gentleman is right.

Mr. HARTLEY. Does not the gentleman believe there is a very great need for a long-term program and a study of such a program, a far more comprehensive program than has been set up to the moment?

Mr BENDER. The gentleman is absolutely correct. The main objectives, our chief objective, today, is to supply our armed forces with the gasoline and other oil products they need. We realize that as well as the gentleman does.

If there were a proper coordination of all the interests here, if there were an intelligent handling of this problem in Washington, I am sure we would have relief as you would have relief in your part of the country.

Mr. HARTLEY. Does not the gentleman agree that the coordination of all phases of the petroleum problem, even transportation, rationing, price fixing, and everything else, should be placed under one head and that there would be greater efficiency?

Mr. BENDER. We have been asking for that for the last 6 months, but we have had no results.

Mrs. ROGERS of Massachusetts. As the gentleman knows, 80,000 tons of gasoline have been shipped to Spain. Gasoline and oil are being constantly sent there, and that has to be taken into consideration in connection with our losses.

Mr. BENDER. And I am wondering how friendly that nation is to us.

Mrs. ROGERS of Massachusetts. I am wondering, too, if that nation ever received it—if it has not been diverted to the Nazis.

The SPEAKER pro tempore. The time of the gentleman has expired.

EXTENSION OF REMARKS

Mr. KEOGH. Mr. Speaker, I ask unanimous consent to extend my own remarks in the Record and to include an editorial that appeared in the Baltimore Evening Sun of May 28.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York [Mr. KEOGH]?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under previous special order of the House, the gentleman from Massachusetts [Mrs. ROGERS] is recognized for 5 minutes.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to revise and extend my own remarks in the Record and to include certain recommendations made by Mr. W. P. Hedden, Director of Port Development, Port of New York Authority.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts [Mrs. ROGERS]?

There was no objection.

Mrs. ROGERS of Massachusetts. Mr. Speaker, I am going to insert in the Record in connection with my remarks the complete recommendation of Mr. Hedden, but I would like to read just one paragraph briefly because I want the Members to consider it now.

He states as follows:

In order to deliver to the Northeast the maximum quantities of motor fuel for the next 90 days in available tank cars and inland barges, the Petroleum Administrator should direct the movement of at least 200,000 barrels per day from district 2 to district 1.

As I stated before, district No. 2 has upward of 4,000,000 additional barrels of

gasoline than it had some months ago. Whereas the east coast has a pitifully small amount. A much smaller supply than it had at the same period.

I want to direct the attention of the Members of the House to the fact that we on the east coast have been rationed for months, not only so far as pleasure driving is concerned, but in the use of gas for the actual conduct of our business. Business has not been allowed to progress because the gasoline was not available. The war effort has been retarded.

Mr. HARTLEY. Will the gentleman yield?

Mrs. ROGERS of Massachusetts. I yield to the gentleman from New Jersey.

Mr. HARTLEY. Is it not a fact that because of the sufficiency of the stock of petroleum in district 2 that they could send to us 200,000 barrels per day for the next 3 months without having to come to the rationing status that we in district No. 1 on the eastern seaboard are in today?

Mrs. ROGERS of Massachusetts. That is absolutely true, and that is what I am going to bring out. It has been interesting to me in that I recently have seen a good many people, businessmen and others, from the second district and they have told me of the quantity of gasoline they have, not only for the operation of their business but for pleasure driving. As the Members know we have not the necessary number of votes on the east coast to pass adequate legislation in order to protect ourselves. If the Members from district 2 would join us I believe we could secure the legislation that would at least give us a fighting chance for our protection. Everybody knows due to the lack of fuel oil the suffering that we endured during the last winter on the east coast, particularly in New England, and so far as kerosene is concerned, most particularly in Massachusetts. The largest percentage of the kerosene used is burned in New England as compared with the rest of the country, and by far the greatest use of it is in my own State. It took us some time to make the Administrator realize how vital an adequate supply of kerosene is.

It has been suggested to me and I have been working on the matter that plenty of trucks are now available to carry gasoline from the barges that can come through the inland waterways and that those trucks could be made available to carry the gasoline down through New York, New Jersey, and to New England. I will ask the Members to join with me in seeing that that be done.

Mr. HARTLEY. Is it not true that the Keystone Pipe Line from Buffalo to Philadelphia, which has a capacity of about 20,000 barrels a day, is not in use simply because the stocks in Buffalo are not available, yet if the barges on the Great Lakes were used the supply would be plentiful in Buffalo?

Mrs. ROGERS of Massachusetts. Yes; that is correct. Those barges should continue now on their way and should be met by trucks. I am told there are plenty of trucks to take the gasoline.

I believe those of us on the east coast must have assistance in making our case

strong enough for those in authority to give us results. It is not a matter of mere pleading. We are all in the war together. We all ought to be willing to share any hardship or difficulty, but in this matter it is not hardship we ask of district 2; it would only be asking those of the Midwest to give up temporarily their pleasure driving. The east coast has been grossly discriminated against. Any fair-minded person will agree we are heartily tired of the injustices.

I wish to commend the gentleman from New Jersey. He should be given the greatest praise for his tireless efforts in working out some sort of a solution in order that we may be given relief on the east coast. It has been a task of love, one might say, but it has been an exhaustive task for us over these long months, and it seems to be an endless one. Immediate relief should be given us.

The statement of Mr. W. P. Hedden, director of port development, the Port of New York Authority, follows:

THE NORTHEASTERN GASOLINE AND OIL CRISIS— A PROGRAM OF RELIEF

THE PRESENT EMERGENCY

Adequate supplies of gasoline are vital to farming, transportation of war workers, maintenance of deliveries of foodstuffs and other essentials in the Northeast. The winter heating emergency is over, but supplies of fuel oil and heavy oil are necessary for current operation of war industries and public utilities, and for the building of stocks in anticipation of next winter.

The damage to pipe lines and delays to rail and inland water transport caused by unprecedented floods, plus increasing demands for overseas shipments to the Army and Navy, have created a grave emergency. The administration officials have properly taken steps to apportion the current supplies to the most essential services. However, the present shortage is curtailing not only pleasure driving but transportation which is essential to the civilian population of the Northeast.

Mr. Chester Dumond, New York State Commissioner of Agriculture, is quoted in the New York Times of June 2 as saying, "The cold fact is that at this moment our current check indicates that many of the farms of New York State are right up against the danger of total absence of gasoline for plowing. * * * Nine of the 21 gasoline distributing bulk plants operated in New York State by the Grange League Federation have had no gasoline for several days. The dry plants are in Steuben, Erie, Allegany, Ontario, Chenango, Wyoming, Monroe, Cattaraugus, and Wayne Counties."

The city situation for war workers is just as critical. Every day 385,000 New York and New Jersey residents must cross the Hudson River between their homes and places of business. The railroad tubes take care of a portion of them but 150,000 travel on rubber and use gasoline, either in busses or private cars. Transportation in private cars has been drastically reduced, despite the fact that clockings in April showed that 70 percent were engaged in essential travel. The load thrown on the interstate bus lines has jumped from 46,000 per day in 1941 to 77,000 in March 1943. In rush hours, the busses are crowded to 45 and 50 passengers, including standees. Now the critical gas shortage has forced a cut of 20 percent in bus service, while at the same time the use of private passenger cars has been cut 30 percent.

It is imperative that these restrictions be eased as soon as practicable. The problem is obviously one of increasing the supply in the

critical Northeast area as quickly as possible, insofar as this can be done by adjustments in consumption and stocks in other sections which will permit a greater daily delivery to the Northeast from points where transportation is available. Prompt steps should be taken in this direction. Our specific suggestions in this regard are elaborated under an immediate program.

In order that the present situation in the Northeast States shall be neither dragged out for an unduly long period, nor suddenly occur a third time, we believe that certain steps should be taken at this time in a longer range program which will effect supplies next winter and next year.

IMMEDIATE PROGRAM

More gasoline by rail from Midwest

In order to deliver to the Northeast the maximum quantities of motor fuel for the next 90 days in available tank cars and inland barges, the Petroleum Administrator should direct the movement of at least 200,000 barrels per day additional from district 2 to district 1.

Mr. Ickes has already hinted that this move may be necessary. He was reported in the New York Herald Tribune of June 2, as warning that the effects of the shortage might soon extend inland to Midwestern and other States, and that if diversion of Midwest oil supplies to the East would help ease the crisis, that course would be followed. It should be started without delay.

By reason of the shorter turn-around from storage tanks and refineries in district 2 (Midwest) as compared to district 3 (Gulf territory), total deliveries by tank car would be increased 50,000 barrels per day by drawing 150,000 barrels more by rail from the Midwest. The same tank cars can deliver 150,000 barrels per day of gasoline from the Midwest on a 12-day turn-around as against 100,000 barrels hauled from the Southwest on an 18- or 20-day turn-around. At present, 80 percent of the total movement is from long-haul points in the Gulf territory.

Gasoline stocks in district 2 are approximately double those of district 1, even under the present rationing. They could be drawn upon at the rate of 200,000 barrels per day above present shipments from district 2 for 2 or 3 months and still not pull these stocks down below those on the east coast.

Furthermore, an additional supply out of current production could be made available to the east coast if the restrictions on driving were equalized to a greater extent. At the present time, the basic allowances in district 2 are three times those in district 1, and there is no pleasure ban on the use of the gasoline in district 2.

More gasoline at Lake ports for water movement to East

In addition to the more effective use of tank cars which could be accomplished by making greater quantities of gasoline available from district 2, inland waterway equipment which may otherwise be wasted, could be utilized in transport from the Great Lakes area to the Atlantic coast, if greater supplies were provided at Lake ports, such as Toledo, Detroit, Cleveland, and even Chicago.

The New York State canal system from Buffalo and Oswego to the Hudson River, which supplies petroleum products direct to points in New England, New York, New Jersey, and Pennsylvania, is easily capable of handling 150,000 barrels per day. Governor Dewey and the New York State Legislature have recently authorized improvements which will be completed very shortly in anticipation of a movement of 122,000 barrels a day. Instead, the available supply was first set at 70,000, and more recently at 40,000 barrels per day by the Petroleum Administrator. This limitation in supplies for water movement reflects the absence of any planned

program to equalize stocks between the Midwest and the East, and to provide more out of current production by equalizing consumption with the east coast.

The barge, tug, and self-propelled tanker equipment in operation on the New York State canals in 1941 demonstrated ability to move 77,000 barrels per day west-bound. With a late start in reversing this movement in 1942, the east-bound movements were 52,000 barrels per day on the average. With adequate supplies available at points like Toledo, rational allocations of the lake-tanker fleet and the migratory self-propelled barges which operate on both the Lakes and canal, and quick completion of improvements in transshipment facilities at Buffalo and Oswego, there is no doubt that the water movement from now until December 1 could be stepped up to double or triple of what is now in prospect. The whole program, except the contribution of the State of New York, is lagging because of lack of assurance that adequate supplies will be available at Great Lakes ports. This assurance can only be given if a vigorous policy is pressed by the Petroleum Administrator, with whatever help is needed from the Office of Price Administration rationing authorities, and the Office of Defense Transportation officials in charge of allocating water movements on the Lakes, and carried through, if necessary, by definite orders upon the petroleum industry to make these diversions from the Midwest to the East, rather than to content itself with supplying the usual nearby customers.

Use of pipe lines from lake area to east coast

Additional relief in moving supplies to the east coast can be secured by utilizing existing pipe lines and pressing the completion of another pipe line connecting the Midwest with the east coast. The Atlantic Co.'s Keystone line from Buffalo to Philadelphia, with a capacity of about 18,000 barrels per day, is still not reversed, on account of lack of supplies at the western end. Additional supplies at Buffalo would permit the employment of this line. A new pipe line has been authorized from Chicago to Toledo, with an estimated capacity of 30,000 barrels per day, under the sponsorship of the War Emergency Pipelines. If this is completed promptly, additional products can be made available at Toledo as against Chicago, making it possible to bring petroleum by water from Toledo to Buffalo on a 3-day turn-around instead of the longer 9-day turn-around of Chicago to Buffalo by way of Lake Michigan and Lake Huron.

Further economies in transportation mileage and lake tanker equipment might be achieved by an exchange of products whereby Canadian refineries at Sarnia (near Detroit) could make available supplies to move east on a short haul to the Buffalo end of the canals and pipe lines in return for American refined products to be hauled from Chicago to Canadian destinations in Lake Superior.

The efficient utilization of the lake-canal system of the pipe line from Buffalo, and of tank cars in short haul from the Midwest against long haul from the Gulf, depends fundamentally upon adjustment of supply program (and perhaps the rationing program in the Midwest) to provide adequate amounts for movement from district 2 to district 1. Relief to the severely curtailed Northeast to the extent of over 100,000 barrels per day could be obtained from this source.

LONG-RANGE PROGRAM

In addition to the emergency program already outlined, which, if carried through, would give continuing relief not only for the summer but also for 1944, provision should be made for construction of additional small self-propelled tankers (of the "migratory" type, capable of operation on the Great Lakes,

New York State Canal, Hudson River, Chesapeake and Delaware Canal, Long Island Sound), and additional steel barges and tug equipment to distribute the increasing volume of rail and pipe-line deliveries which will terminate at concentrated refining and storage centers in the New York, Philadelphia, and Richmond areas. The Big Inch pipe line, the 20-inch pipe line, and the Plantation pipe line extension, together with older pipe lines reversed from west to east, will deliver by next winter over 600,000 barrels per day of petroleum products to 3 concentrated areas on the east coast. The distribution from that point on to the ultimate consumer will require ample small tanker and barge equipment to place the products at secondary bulk terminals and distribution points, from which truck delivery can be made to the consumer. There are nearly 500 of these secondary bulk terminals in New York Harbor and Long Island Sound alone, with hundreds more in southern and eastern New England, Delaware River, and Chesapeake Bay points. Practically all of these secondary bulk terminals are located on the water. Water equipment should be used in this lateral east coast service to release tank cars, as far as possible, for the shuttle service from the major oil-producing points to the east coast.

It is probable that there will be a shortage of steel tank barge equipment in 1944 to accomplish this necessary transportation between the primary refining and pipe line and rail terminals and the secondary local distribution tanks in New England, New York, New Jersey, Pennsylvania, Delaware, Maryland, and Virginia. Because of the necessity of clearing steel requirements through the War Production Board and arranging for small tanker and tug motive power and barge construction, this program should be pressed immediately.

Provision has been made for conversion of over 100 dry cargo units to petroleum use on the Mississippi-Ohio waterways, and the building of 168 new steel tank barges for use on the same waterways. Also, provision has been made for tugs and wooden barges to handle heavy oils in the Gulf and the South Atlantic intracoastal waterways. However, no program has been planned for the Northeast, largely because of lack of any definite supply program, which will leave idle certain existing barge equipment in the Northeast in the winter of 1933-44. Looking to 1944, however, it is imperative that the steel tank barge equipment in the northeast (including that which operates on the Barge Canal and the Great Lakes during the open season from April to December) be augmented to take care of continued movement east from the Great Lakes; north and northeast from pipeline and rail terminals at New York to the Hudson River territory, and New England, locally in the Delaware River and Chesapeake and Delaware Canal territory from Philadelphia, and locally in the Chesapeake Bay territory from the Richmond terminals of the Plantation Line. This program should be immediately sponsored by the Office of Defense Transportation, with the cooperation of the Petroleum Administrator, who must estimate and plan the supply picture so that the barge equipment can be fully utilized.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows:

To Mr. EATON (at the request of Mr. HARTLEY), indefinitely, on account of official business.

To Mr. EBERHARTER (at the request of Mr. McCORMACK), for 2 weeks, on account of official business.

To Mr. KELLEY of Pennsylvania (at the request of Mr. WEISS), on account of serious illness in family.

To Mr. LYNDON B. JOHNSON (at the request of Mr. MERRITT), on account of official business.

To Mr. SASSER (at the request of Mr. MERRITT), on account of official business.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 995. An act to provide a penalty for violation of regulations or orders with respect to persons entering, remaining in, leaving, or committing certain acts within or upon vessels, harbors, ports, and waterfront facilities; to the Committee on Naval Affairs.

BILL PRESENTED TO THE PRESIDENT

Mr. KLEIN, from the Committee on Enrolled Bills, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H. R. 2584. An act to abolish certain naval trust funds and deposits thereto, and to simplify naval accounting procedure, and for other purposes.

ADJOURNMENT

Mr. ROWAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 17 minutes p. m.) the House adjourned until tomorrow, Wednesday, June 9, 1943, at 12 o'clock noon.

COMMITTEE HEARINGS

COMMITTEE ON THE CIVIL SERVICE

The Committee on the Civil Service will hold a public hearing on Wednesday, June 9, 1943, at 10 a. m. (H. Res. 16), for further investigation and studies of the policies and practices relating to civilian employment in governmental departments. Room 246, Old House Office Building.

COMMITTEE ON THE PUBLIC LANDS

The Committee on the Public Lands will meet at 10:30 a. m., Wednesday, June 9, 1943, to continue hearings on H. R. 2241, to abolish the Jackson Hole National Monument, Wyo., and such other matters as may properly come before the committee.

COMMITTEE ON FLOOD CONTROL

The Flood Control Committee will conduct hearings on flood-control reports submitted by the Chief of Engineers since the passage of the Flood Control Act of August 18, 1941, and on amendments to existing law. Flood-control projects for post-war construction will be among the most satisfactory public works, and the committee plans an adequate backlog of sound flood-control projects available for construction following the war.

1. Wednesday, June 9: General Reybold, General Robins, Colonel Goethals, other representatives of the Office of Chief of Engineers, and proponents on projects in the Los Angeles area and in the State of California, including the Sacramento, San Joaquin, and Kern River Valleys, and on projects in other regions and in other parts of the United States.

2. Thursday, June 10: Representatives of the Department of Agriculture and the Bureau of Reclamation, and other governmental agencies.

3. Friday, June 11: Senators and Representatives of Congress.

COMMITTEE ON IMMIGRATION AND NATURALIZATION

The Committee on Immigration and Naturalization will hold public hearings at 10:30 a. m. on Wednesday, June 9, 1943, on private bills.

COMMITTEE ON THE JUDICIARY

The Special Subcommittee on Bankruptcy and Reorganization of the Committee on the Judiciary will conduct hearings on H. R. 2857, a bill to amend section 77 of the act of July 1, 1898, entitled "An act to establish a uniform system of bankruptcy throughout the United States," as amended, at 10 a. m. on Wednesday, June 9, 1943, in room 346, Old House Office Building, Washington, D. C.

Subcommittee No. 1 of the Committee on the Judiciary will conduct hearings on H. R. 2620, a bill to provide for a Delegate from the District of Columbia to the House of Representatives of the United States, and for other purposes, at 10 a. m. on Wednesday, June 16, 1943, in room 346, Old House Office Building, Washington, D. C.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the securities subcommittee of the Committee on Interstate and Foreign Commerce, at 10 a. m., Wednesday, June 9, 1943.

Business to be considered: Open hearing to hear Mr. Ganson Purcell, Chairman of the Securities and Exchange Commission, on proxy rules.

COMMITTEE ON THE MERCHANT MARINE AND FISHERIES

The Committee on the Merchant Marine and Fisheries will hold a public hearing on Thursday, June 10, 1943, at 10 a. m., on H. R. 2731, to facilitate the award and payment of just compensation for property requisitioned under the authority of section 902 (a) of the Merchant Marine Act, 1936, as amended, and for other purposes.

The Subcommittee on Unemployment Insurance of the Committee on Merchant Marine and Fisheries will consider in open hearing on Thursday, June 24, 1943, at 10 a. m., committee prints Nos. 1 and 2, dated June 7, 1943, relative to unemployment insurance for merchant seamen.

COMMITTEE ON THE POST OFFICE AND POST ROADS

There will be a meeting of Subcommittee No. 7 of the Committee on the Post Office and Post Roads on Friday, June 11, 1943, at 10 a. m., for the consideration of bills relating to the carrying of mail on star routes. Public hearings will be held.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

There will be a meeting of the Subcommittee on Investigation of Restrictions on Brand Names and Newsprint of the Committee on Interstate and Foreign Commerce at 2 p. m., Monday, June 14, 1943.

Business to be considered: To hear representatives of Office of Price Administration. (Hearing for June 9 canceled.)

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

466. A letter from E. G. Allen, rear admiral, United States Navy, transmitting a report showing the name, age, legal residence, rank, branch of service, with special qualifications therefor, of each person commissioned from civilian life in the Navy and Marine Corps, from March 30 to May 30, 1943, and in the Coast Guard from April 1 to June 1, 1943; to the Committee on Naval Affairs.

467. A letter from the Chairman, Reconstruction Finance Corporation, transmitting a report covering its operations for the period from the organization of the Corporation on February 2, 1932, to March 31, 1943, inclusive; to the Committee on Banking and Currency.

468. A letter from the Archivist of the United States, transmitting report on a list of papers recommended to him for disposal by the Department of Agriculture; to the Committee on the Disposition of Executive Papers.

469. A letter from the Archivist of the United States, transmitting report on lists of papers recommended to him for disposal by certain agencies of the Federal Government; to the Committee on the Disposition of Executive Papers.

470. A letter from the Administrator of Veterans' Affairs, transmitting a draft of a proposed bill to provide more adequate and uniform administrative provisions in veteran's laws pertaining to compensation, pension, and retirement pay payable by the Veterans' Administration, and for other purposes; to the Committee on World War Veterans' Legislation.

471. A letter from the Administrator, War Shipping Administration, transmitting report No. 4 of action taken under section 217 of the Merchant Marine Act, 1936, as amended (Public Law 498, 77th Cong.); to the Committee on the Merchant Marine and Fisheries.

472. A letter from the Attorney General, transmitting a draft of a proposed bill to amend the law relating to larceny in interstate or foreign commerce; to the Committee on the Judiciary.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SPARKMAN: Committee on Military Affairs. S. 219. An act to equalize certain disability benefits for Army officers; with amendment (Rept. No. 529). Referred to the Committee of the Whole House on the state of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN of New York:

H. R. 2899. A bill to provide a measure of post-war security for members of the land and naval forces and seamen of the merchant marine; to the Committee on Ways and Means.

By Mr. GIFFORD:

H. R. 2900. A bill to amend the Reconstruction Finance Corporation Act, as amended; to the Committee on Banking and Currency.

By Mr. MAY:

H. R. 2901. A bill to authorize the disposition of certain property under the jurisdiction of the War Department; to the Committee on Military Affairs.

By Mr. McCORMACK:

H. Res. 254. Resolution directing the Library of Congress to deliver to the Attorney General certain papers; to the Committee on the Library.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. MAGNUSON:

H. R. 2902. A bill for the relief of Mrs. William Leo; to the Committee on Immigration and Naturalization.

H. R. 2903. A bill for the relief of the Washington Asphalt Co.; to the Committee on Claims.

By Mr. PLUMLEY:

H. R. 2904. A bill for the relief of the Reverend R. E. McKinney; to the Committee on Claims.

H. R. 2905. A bill for the relief of Walter R. Jones; to the Committee on Claims.

H. R. 2906. A bill for the relief of Mrs. Norma S. McKinney and Mrs. Ella Swenson; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

1459. By Mr. HALE: Resolution of the New England Traffic League, recommending that the passage of Senate bill 942 as now drawn be opposed; that in lieu thereof the buyers and sellers of all modes of transportation be given the opportunity to confer for the purpose of determining what, if any, illegal or undesirable practices are now being pursued to draft a plan to govern future activities of all rate-making agencies, associations, and bureaus that will be lawful and practicable, such plan to be subject to the approval of Interstate Commerce Commission or such other governmental agency as the Congress may designate, as well as the Department of Justice; and that in order to make effective these recommendations the New England Traffic League urges the Congress and the Department of Justice to defer any action for a reasonable period pending the outcome of these cooperative efforts; to the Committee on Interstate and Foreign Commerce.

1460. By Mr. HOPE: Petition with reference to House bill 2082; to the Committee on the Judiciary.

1461. Also, petition with reference to House bill 2082; to the Committee on the Judiciary.

1462. Also, petition with reference to House bill 2082; to the Committee on the Judiciary.

1463. By Mr. HALE: Petition of 86 members and attendants at the convention of the York County, Maine, Woman's Christian Temperance Union at Berwick, Maine, on May 11, 1943, petitioning Congress to support all legislation which will prohibit the sale of beverage alcohol to the men in or around the camps; to the Committee on the Judiciary.

1464. By Mr. NORMAN: Petition of Eliza H. Seany and 37 other citizens of Chehalis, Wash., and vicinity, urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

1465. Also, petition of Mrs. O. L. Soule and 17 other citizens of Elma, Wash., urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for

the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

1466. Also, petition of Christ P. Jacobsen and 56 other citizens of Cathlamet, Wash., and vicinity, urging enactment of House bill 2082, a measure to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war; to the Committee on the Judiciary.

1467. By Mr. PLUMLEY: Resolutions of the Connecticut Valley Pomona Grange, No. 11, Woodstock, Vt., opposing Senate bill 637 as reflecting on the capabilities of the American people to discharge this duty and endangering the freedom of the people; to the Committee on Education.

1468. By Mr. HOLMES of Washington: Petition of sundry citizens of Yakima, Grandview, Mabton, Sunnyside, and Pomeroy, Wash., urging favorable action on House bill 2082, a bill to reduce absenteeism, conserve manpower, and speed production of materials necessary for the winning of the war by prohibiting the manufacture, sale, or transportation of alcoholic liquors in the United States for the duration of the war and until the termination of demobilization; to the Committee on the Judiciary.

1469. By the SPEAKER: Petition of Francis Jean Reuter, T. D. B. S., M. A., Washington, D. C., petitioning consideration of their resolution with reference to petition No. 221; to the Committee on the Judiciary.

1470. Also, petition of the National Society of New England Women, petitioning consideration of their resolution with reference to House bills 2428 and 2429; to the Committee on Immigration and Naturalization.

1471. Also, petition of the Consolidated Building Trades, Metal Trades, Central Labor Council of Vallejo, Calif., petitioning consideration of their resolution with reference to old-age assistance; to the Committee on Appropriations.

1472. Also, petition of the Council for Pan American Democracy of New York, N. Y., petitioning consideration of their resolution with reference to the colonial system of government be ended in Puerto Rico; to the Committee on Insular Affairs.

1473. Also, petition of the United Federal Workers of America, Philadelphia, Pa., petitioning consideration of their resolution with reference to the Kerr committee; to the Committee on Appropriations.

SENATE

WEDNESDAY, JUNE 9, 1943

(Legislative day of Monday, May 24, 1943)

The Senate met at 12 o'clock noon, on the expiration of the recess.

Rev. John R. Edwards, D. D., district superintendent of the Methodist Church, Washington, D. C., offered the following prayer:

Eternal God, Father of all mankind, we acknowledge in reverence our dependence upon Thy daily providence. Thy mercies have proved unailing. We remember, too, the grace of God, which abundantly pardons. In the light of Thy character and faithfulness our human imperfections are reflected. Our personal and national selfishness is registered in narrow conceptions of life and citizenship which hinder Thy holy pur-

poses for human welfare and world brotherhood. We make our confessions and ask Thy forgiveness. May this our repentance be registered in nobler and fuller living. We recognize Thy chastenings, and accept them as expressions of Thy wisdom. Yet our hearts have not fully turned back, neither have our steps declined from Thy way.

Strengthen today every worthy endeavor. Give us increased nobility of heart.

We pray for Thy servants who gather in our legislative halls, the President of the Senate, and others who have chief responsibility.

We pray for our comrades in the task of world brotherhood, especially for those whose lives are exposed to great danger, for their families and all their interests.

May the blessing of God rest this day upon the bereaved family of Thy servant, who had led a great Christian church in our midst, upon his people, and upon all others who mourn his loss.

We pray for the nations of earth who differ from us in thought and purpose. In the midst of strife may we learn nobility of character which shall be free from unholy prejudice and vindictive passion. In the name of the Great Saviour. Amen.

THE JOURNAL

On request of Mr. HILL, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Tuesday, June 8, 1943, was dispensed with, and the Journal was approved.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Miller, one of his secretaries.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Megill, one of its clerks, announced that the House had passed the bill (S. 163) to amend section 511 of the Merchant Marine Act, 1936, as amended, relating to ship construction reserve funds, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 2664) to provide for the training of nurses for the armed forces, governmental and civilian hospitals, health agencies, and war industries through grants to institutions providing such training, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 2714) making appropriations to supply urgent deficiencies in certain appropriations for the fiscal year ending June 30, 1943, and for prior fiscal years, and for other purposes; that the House receded from its disagreement to the amendments of the Senate numbered 8, 37, and 41 to the bill, and concurred therein; that the House receded from its disagreement to the amendment of